

January 29, 2015

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: **Environmental Notification Form**
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
VVK Realty, LLC
1494 East Rodney French Blvd., New Bedford, MA

Dear Secretary Beaton:

On behalf of VVK Realty, LLC, CLE Engineering Inc. (CLE) is pleased to submit the enclosed Environmental Notification Form (ENF) as per the Massachusetts Environmental Protection Act (MEPA) for the above referenced project. VVK Realty, LLC is proposing maintenance and improvements to the existing licensed pier along with the addition of floating dock systems and moorings to support transient boaters visiting the area. The seasonal tiki bar on the adjacent property will be relocated within the subject property within a lease area. As the owner of two adjacent businesses focused on serving food and beverages to the public, VVK Realty is proposing to invest in this infrastructure to not only enhance the experience of patrons, but also greatly improve water access and navigability to/from the project site. Details pertaining to the proposed project are provided in **Exhibit A**, Project Narrative.

Feel free to contact me at (508) 748-0937 or SNilson@CLEngineering.com if you require any additional information or have any questions. Thank you for your assistance.

Sincerely,
CLE Engineering, Inc.



Susan Nilson, PE

Attachments

Cc: Gregory Kulpinski, VVK Realty, LLC



ENVIRONMENTAL NOTIFICATION FORM

PROPOSED FLOAT SYSTEM, MOORINGS PIER
REHABILITATION AND SEASONAL TIKI BAR
New Bedford, MA



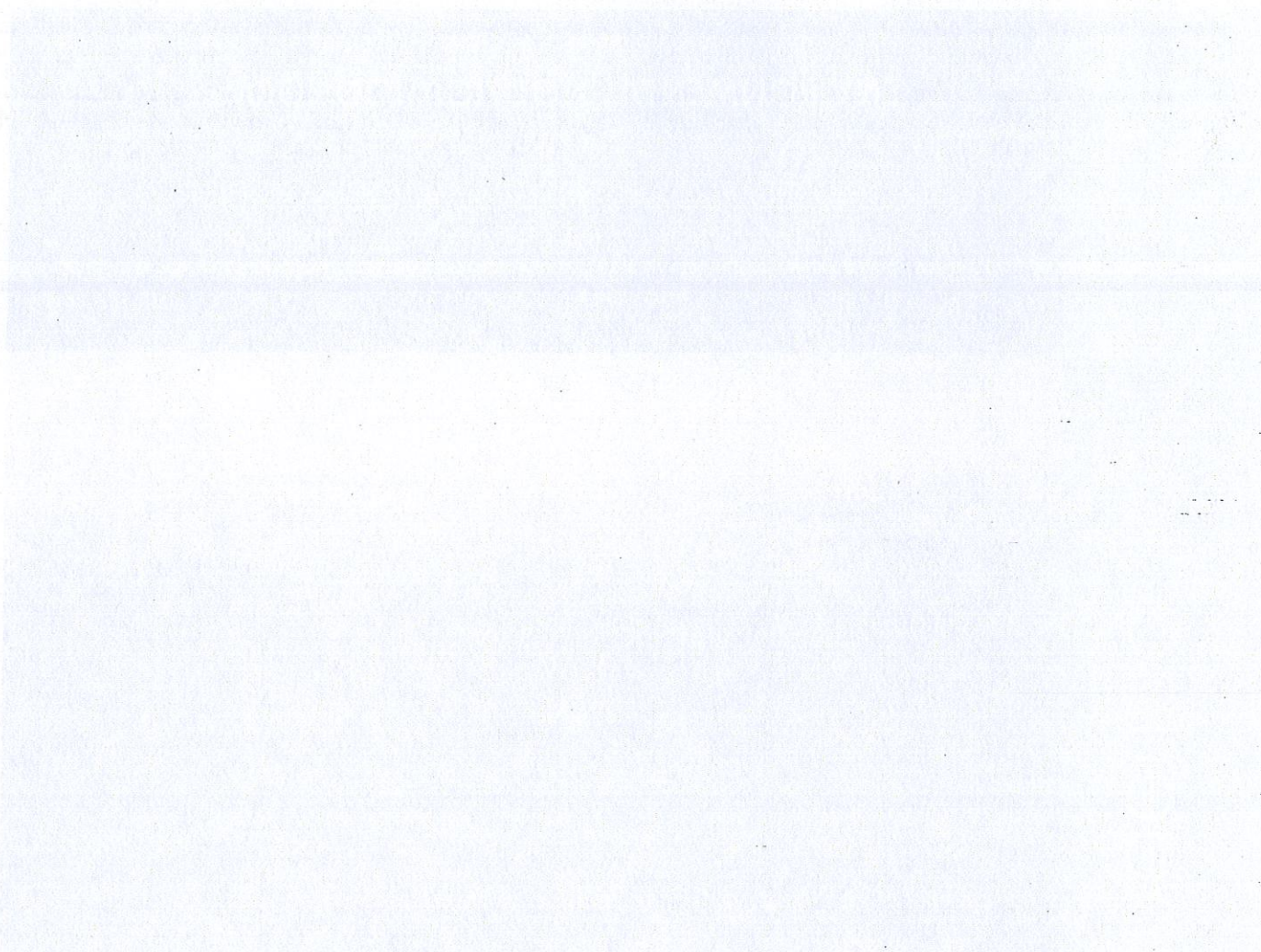
Prepared for:
VVK Realty, LLC
Gregory Kulpinski
99 Flag Swamp Rd.
North Dartmouth, MA02747

January 2015

cleengineering

15 Creek Road | Marion, MA 02738
800.668.3220 | www.cleengineering

RECEIVED
FEB 03 2015
BY: _____



RECEIVED
FEB 14 2006

ORIGINAL

January 29, 2015

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

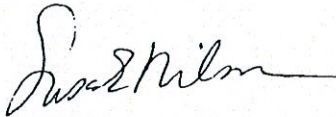
Re: **Environmental Notification Form**
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
VVK Realty, LLC
1494 East Rodney French Blvd., New Bedford, MA

Dear Secretary Beaton:

On behalf of VVK Realty, LLC, CLE Engineering Inc. (CLE) is pleased to submit the enclosed Environmental Notification Form (ENF) as per the Massachusetts Environmental Protection Act (MEPA) for the above referenced project. VVK Realty, LLC is proposing maintenance and improvements to the existing licensed pier along with the addition of floating dock systems and moorings to support transient boaters visiting the area. The seasonal tiki bar on the adjacent property will be relocated within the subject property within a lease area. As the owner of two adjacent businesses focused on serving food and beverages to the public, VVK Realty is proposing to invest in this infrastructure to not only enhance the experience of patrons, but also greatly improve water access and navigability to/from the project site. Details pertaining to the proposed project are provided in **Exhibit A**, Project Narrative.

Feel free to contact me at (508) 748-0937 or SNilson@CLEengineering.com if you require any additional information or have any questions. Thank you for your assistance.

Sincerely,
CLE Engineering, Inc.



Susan Nilson, PE

Attachments

Cc: Gregory Kulpinski, VVK Realty, LLC

Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Massachusetts Environmental Policy Act (MEPA) Office

Environmental Notification Form

For Office Use Only

EEA#: _____

MEPA Analyst: _____

The information requested on this form must be completed in order to submit a document electronically for review under the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Proposed Floating Dock System, Moorings, Pier Rehabilitation and Seasonal Tiki Bar

Street Address: 1494 E. Rodney French Blvd.

Municipality: New Bedford

Watershed: Buzzard's Bay

Universal Transverse Mercator Coordinates:

Latitude: 41 36 38

Longitude: 70 54 18

Estimated commencement date: Spring 2015

Estimated completion date: Est. 2018

Project Type: Float system installation

Status of project design: 50 %complete

Proponent: VVK Realty, LLC; Gregory Kulpinski

Street Address: 99 Flag Swamp Rd.

Municipality: North Dartmouth

State: MA

Zip Code: 02747

Name of Contact Person: Susan Nilson, P.E.

Firm/Agency: CLE Engineering, Inc.

Street Address: 15 Creek Rd.

Municipality: Marion

State: MA

Zip Code: 02738

Phone: 508 748 0937

Fax: 508 748 1363

E-mail:

snilson@cleengineering.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?

☐ Yes ☒ No

If this is an Expanded Environmental Notification Form (ENF) (see 301 CMR 11.05(7)) or a Notice of Project Change (NPC), are you requesting:

a Single EIR? (see 301 CMR 11.06(8))

☐ Yes ☐ No

a Special Review Procedure? (see 301 CMR 11.09)

☐ Yes ☐ No

a Waiver of mandatory EIR? (see 301 CMR 11.11)

☐ Yes ☐ No

a Phase I Waiver? (see 301 CMR 11.11)

☐ Yes ☐ No

(Note: Greenhouse Gas Emissions analysis must be included in the Expanded ENF.)

Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)?

MEPA Reg Section 301CMR 11.03.(3)(b)(6): Wetlands, Waterways, Tidelands - Construction, reconstruction or Expansion of an existing solid fill structure of 1,000 or more sf base area or of a pile-supported or bottom-anchored structure of 2,000 or more sf base area, except a seasonal, pile-held or bottom-anchored float, provided the structure occupies flowed tidelands or other waterways.

Which State Agency Permits will the project require?

MA DEP Waterways Chapter 91 License

MA CZM Consistency (anticipated thru USACE GP)

Identify any financial assistance or land transfer from an Agency of the Commonwealth, including the Agency name and the amount of funding or land area in acres: N/A

Summary of Project Size & Environmental Impacts	Existing	Change	Total
LAND			
Total site acreage	1.36 acres		
New acres of land altered			
Acres of impervious area			
Square feet of new bordering vegetated wetlands alteration			
Square feet of new other wetland alteration		Piles = 22.4 sf Floats = 3400sf Gangway Net Increase = 350sf Seasonal Tiki Bar = 6257 sf within Land Subject to Coastal Storm Flowage	
Acres of new non-water dependent use of tidelands or waterways		0.14 acres (seasonal tiki bar)	
STRUCTURES			
Gross square footage			
Number of housing units			
Maximum height (feet)			
TRANSPORTATION			
Vehicle trips per day			
Parking spaces	30 total spaces	0 total spaces	30 total spaces
WASTEWATER			
Water Use (Gallons per day)			
Water withdrawal (GPD)			
Wastewater generation/treatment (GPD)			
Length of water mains (miles)			
Length of sewer mains (miles)			
Has this project been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input checked="" type="checkbox"/> No			
Has any project on this site been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input checked="" type="checkbox"/> No			

GENERAL PROJECT INFORMATION – all proponents must fill out this section

PROJECT DESCRIPTION:

Describe the existing conditions and land uses on the project site:

VVK Realty, LLC ("Proponent") purchased the subject property in 2014. The project site is located at 1494 E Rodney French Blvd. in New Bedford, MA (Assessor's Map 12, Lot 77) along the western shore of Buzzard's Bay (see **Exhibit B**). VVK Realty, LLC is the owner of the abutting property to the south, the site of The Edge restaurant. The subject property was formerly a bar and night club known as Smuggler's Den and Billy Wood's Wharf. The site was also used as the landing location for the Schamoonchi ferry, providing passenger service between New Bedford and Martha's Vineyard.

The site has been vacant for several years and VVK is planning to renovate the building as an event venue and bar featuring raw bar and seafood options. As part of the renovation of the property, VVK is proposing the rehabilitation of an existing timber pier, along with the installation of four pile-anchored floating docks, two gangways and 12 moorings. The float system, including dinghy docks, will provide a landing site for transient, recreational vessels visiting the property. VVK also proposes to relocate the seasonal tiki bar from the adjacent property to the subject site within a lease area approximately 6,257 sf.

The proposed project is designed to improve access between the property and the navigable waters of Buzzard's Bay. The purpose of the project is to maintain existing waterfront infrastructure, improve access to the site for transient boaters through moorings and floating docks, and to renovate and restore the business on site.

Site Description:

The project site is mapped as a shellfish suitability area, as designated by the Massachusetts Division of Marine Fisheries (MA DMF). The proposed work is located within the FEMA VE (El. 17.0' NAVD 88) zone. See **Exhibit C** for site resource area maps and the FIRM pertaining to the project location. The project site is bounded between a public boat ramp to the north and a waterfront restaurant, The Edge, to the south.

Existing Conditions:

On April 4, 2014, CLE Engineering, Inc. (CLE) conducted a site survey to document existing conditions relative to Mean Low Water (MLW) on the upland portion of the project site. On March 19 and November 3, 2014, CLE Engineering conducted hydrographic surveys to document existing conditions relative to MLW of nearshore areas adjacent to the site. The existing building, timber pier and site features are depicted on the plans and verified by CLE. The existing timber pier (140'x10') on the project site is in fair condition with localized areas of deterioration of the timber frame, decking or piles. Existing conditions of the project site are shown in the plans provided in **Exhibit D**. Site photographs of the project site are provided in **Exhibit E**.

Describe the proposed project and its programmatic and physical elements:

Project Description:

The project consists of the rehabilitation of the existing timber pier, addition of floating dock and gangway systems north and south of the existing pier, installation of moorings and relocation of the seasonal tiki bar from the adjacent property (The Edge) to a proposed lease area within this site.

Details pertaining to the proposed improvements are provided below and shown on the Plans provided in **Exhibit D**. Copies of prior permits issued for existing structures are provided in **Exhibit F**.

Installation of Floating Docks

The proposed floating dock system will consist of four (4) float areas, totaling 3,400 sf. Floats will be pile-supported by (16) 16-inch diameter timber or steel pipe piles. Access to the floats will be provided by two (2) proposed aluminum 5'x35' gangways. The proposed floating docks will serve to provide access to navigable waters from the project site, as well as provide a landing area for transient boaters visiting the property.

Installation of Moorings

As part of this project, the proponent proposes the installation of 12 moorings. The moorings will be helical systems with chain and designed to accommodate vessels up to 60' in length. The proposed moorings will serve transient and recreational boaters in the area and are not intended for use during storm events.

Coastal Resource Areas:

All proposed project activities associated with the pier rehabilitation and pile anchored floating docks are located within Land Under Ocean. The proposed moorings are located within the National Heritage & Endangered Species Program (NHESP) mapped Priority/Estimated Habitat.

The proposed project is primarily a water-dependent project that has been designed and will be constructed using the best available measures to avoid/minimize adverse impacts to coastal wetland resource areas. The limits of existing coastal resource areas within the vicinity of the proposed project are delineated on the plans provided in **Exhibit D**.

The seasonal tiki bar will be located within filled tidelands and Land Subject to Coastal Storm Flowage. In conjunction with the relocation of the tiki bar, VVK proposes a 10' wide public access walkway from the southern property line to the existing waterfront support building. This access will provide continuity for the public access on the adjacent property to the south.

❖ **Land Under Ocean (310 CMR 10.25)**

Land Under the Ocean (LUO) is defined as "land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries". LUO, particularly the nearshore area, is presumed significant to the protection of marine fisheries, protection of wildlife habitat, storm damage prevention and flood control (310 CMR 10.25). Consistent with 310 CMR 10.25 (6), this primarily water dependent project has been designed using best available measures to minimize adverse effects caused by:

- a. alterations in water circulation;
The proposed piles and moorings will have minimal impact on water circulation in the area. The proposed piles and moorings will be spaced such that the post-build water circulation within the project area is comparable to existing conditions.
- b. destruction of eel grass (*Zostera marina*) or widgeon grass (*Ruppia maritima*);
The MassGIS database does not show any eel grass (*Zostera marina*) or widgeon grass (*Ruppia maritima*) within the vicinity of the proposed project. During the hydrographic survey, no submerged aquatic vegetation was observed. The project site is mapped as a shellfish suitability area by MA DMF.
- c. alterations in sediment grain size;
The proposed piles and moorings will have minimal impact on sediment grain size distribution in the area. The proposed piles and moorings will be spaced such that post-build sediment transport within the project area is comparable to existing conditions.
- d. changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; and
By proposing a floating dock system versus a fixed pier, the proponent has minimized the number of piles necessary. The floating docks are located in areas that will allow for more than 2.5' of clearance below the floats at all tides, thereby limited bottom effects and associated turbidity.
- e. alterations of shallow submerged lands with high densities of polychaetes, mollusks, or macrophytic algae.
Piles often attract species which provide a source of food for fish and other marine life.

❖ **Land Containing Shellfish (310 CMR 10.34)**

Land Containing Shellfish (LCS) is defined as "land under the ocean...when any such land contains shellfish". Land Containing Shellfish shall be found significant when it has been identified and mapped as follows: by the Conservation Commission or the Department in consultation with MA DMF and based upon maps and designations of MA DMF; or by the Conservation Commission or the Department based on maps and written documentation of the shellfish constable or the Department. In making such identification and maps, the following factors shall be taken into account and documented: the density of shellfish, the size of the area and the historical and current importance of the area to recreational or commercial shellfishing.

According to the most current available MA GIS data pertaining to MA DMF mapped suitable shellfish habitat, the proposed floating docks, associated pilings and moorings may be located within LCS, of which may include quahog, soft shell clam and/or bay scallop. It is noted that areas mapped by MA DMF include sites where shellfish have historically been sighted, but may not currently support any shellfish. The shellfish suitability areas were not verified in the field and the boundaries were not surveyed by CLE. Accordingly, this information should be used only as a guide to the approximate locations of potential habitats. According to MA GIS, the project area is presently a conditionally approved site for harvesting.

❖ **NHESP Priority/Estimated Habitat (310 CMR 10.37)**

The proposed moorings are located within NHESP Priority/Estimated Habitat. Moorings will be helical anchor systems, thereby minimizing impacts compared with a mushroom or block system.

Waterfront Structures

Table 1 presented below summarizes the anticipated impacts to LUO as a result of the proposed installation of waterfront structures:

Table 1: Summary of Impacts to LUO Resulting from Installation of Waterfront Structures

Structure	Impact Area to LUO (SF)
(16) Float Guide Piles	±1.4 per pile
TOTAL	±22.4

The proposed new floating docks will be pile supported, thereby minimizing the impact to LUO by eliminating cyclic impacts resulting from bottom anchor and chain systems.

Moorings

Table 2 presented below summarizes the anticipated impacts to LUO and NHESP Priority/Estimated Habitat as a result of the proposed installation of moorings:

Table 2: Summary of Impacts to LUO and NHESP Priority/Estimated Habitat Resulting from Installation of Moorings

Proposed Number of Moorings	Impact Area to LUO (SF)	Impact Area to NHESP Habitat (SF)
(12) Moorings	±1.8 each	±1.8 each
TOTAL	±21.2 sf	±21.2 sf

Describe the on-site project alternatives (and alternative off-site locations, if applicable), considered by the proponent, including at least one feasible alternative that is allowed under current zoning, and the reasons(s) that they were not selected as the preferred alternative:

Alternatives Analysis:

The improvements proposed as part of this project have no off-site alternatives. On-site alternatives include:

- **No-build alternative:** The no-build alternative will result in continued limited access to navigable waters to/from the site and a lack of transient docking for boaters within the project area. The no-build alternative does not meet the project goals and is not considered further.
- **Pier Rehabilitation and Upgrades as a Vessel Berthing Facility:** This alternative focuses on the maintenance and rehabilitation of the existing timber pier. The intent of the upgrade would be to make the pier suitable for direct vessel docking so that it can serve as the primary access for transient boaters. This alternative would require reconstruction of the majority of the pier and addition of piles. A significant elevation differential between waterline and the pier deck exists at the majority of tides which does not allow for safe, convenient access to the pier for boaters.
- **Floating Docks Located Off Eastern End of Pier:** This alternative involves installing a floating dock system off of the end of the existing timber pier, which would also necessitate moving the proposed moorings easterly into Buzzard's Bay. This location of the docks/moorings has an increased wave exposure and calls into consideration the installation of a wave-break structure. Further, this alternative would result in a greater impact to NHESP Estimated/Priority Habitat, which is located approximately 18' from the end of the existing timber pier.
- **Preferred Alternative: Pier Maintenance and Rehabilitation, Floating Docks Located Off Northern and Southern Sides of Pier:** Pile anchored floating docks installed on the north and south sides of the existing pier allows for safe, convenient transfer of vessel passengers to the floating docks at all tides. The floating docks do not extend beyond the existing pier and depending on the fetch direction; floats are afforded some protection from the existing pier structure. Pile anchored floats will have less impacts on Land Under Ocean than bottom anchored chain systems.

NOTE: The purpose of the alternatives analysis is to consider what effect changing the parameters

and/or siting of a project, or components thereof, will have on the environment, keeping in mind that the objective of the MEPA review process is to avoid or minimize damage to the environment to the greatest extent feasible. Examples of alternative projects include alternative site locations, alternative site uses, and alternative site configurations.

Summarize the mitigation measures proposed to offset the impacts of the preferred alternative:

Design Mitigation:

- Pile spacing was maximized while designing to securely anchor the floats.
- Floats are located in sufficient water to minimize bottom impacts.
- Mooring systems are helical anchors with a smaller footprint than mushroom or block systems.

Construction Means & Methods:

The following means and methods will be implemented for the proposed project, which has been designed to minimize the impacts to resource areas:

- The Contractor shall adhere to all permit requirements and conditions.
- Absolutely no release is allowed into the waterway of any petroleum product, epoxies, resins, admixtures, touch-up coatings or the like. Accidental releases shall be reported to the Harbormaster, Engineer, and if applicable, the U. S. Coast Guard. The Contractor shall have on site sufficient sorbent pads and booms to contain an accidental spill.
- Debris from construction operations is to be cleaned up on a regular basis and disposed of off-site at a properly designated facility. Any floating debris shall be contained in the work area by floating booms and shall not be allowed to drift about the bay.
- No refueling of construction equipment shall be permitted in the immediate vicinity of any coastal resource area.

Pier Structure, Floats and Gangways

- Proposed piles (timber or steel) will be driven using land-based and water-based equipment and will be performed using a vibratory and/or impact hammer.
- Pier repairs will be staged from a small work barge and/or from the existing pier.
- Proposed floating docks and gangways will be constructed off-site and deployed from a land-based crane, or towed to the site.

Moorings

- Proposed moorings will be helical systems installed from a work barge/vessel.

Mitigation Measures:

VVK will coordinate with the agencies mitigation measures which may include in lieu fee payment for the limited impacts to Land Under Ocean and Land Containing Shellfish as a result of the pile installation.

If the project is proposed to be constructed in phases, please describe each phase:

The project may be constructed in a multiple phases separating the pier rehabilitation from the installation of floating docks which may occur over several years.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN:

Is the project within or adjacent to an Area of Critical Environmental Concern?

☐ Yes (Specify _____)

☒ No

If yes, does the ACEC have an approved Resource Management Plan? ____ Yes ____ No;

If yes, describe how the project complies with this plan.

Will there be stormwater runoff or discharge to the designated ACEC? ____ Yes ____ No;

If yes, describe and assess the potential impacts of such stormwater runoff/discharge to the designated ACEC.

RARE SPECIES:

Does the project site include Estimated and/or Priority Habitat of State-Listed Rare Species? (see http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/priority_habitat_home.htm)

☒ Yes (Proposed moorings are within NHESP Estimated/Priority Habitat) ☐ No

HISTORICAL /ARCHAEOLOGICAL RESOURCES:

Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

☐ Yes (Specify _____) ☒ No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? ☐ Yes (Specify _____) ☐ No

WATER RESOURCES:

Is there an Outstanding Resource Water (ORW) on or within a half-mile radius of the project site? ____ Yes
X No;

if yes, identify the ORW and its location. _____

(NOTE: Outstanding Resource Waters include Class A public water supplies, their tributaries, and bordering wetlands; active and inactive reservoirs approved by MassDEP; certain waters within Areas of Critical Environmental Concern, and certified vernal pools. Outstanding resource waters are listed in the Surface Water Quality Standards, 314 CMR 4.00.)

Are there any impaired water bodies on or within a half-mile radius of the project site? ____ Yes _X_ No; if yes, identify the water body and pollutant(s) causing the impairment: _____

Is the project within a medium or high stress basin, as established by the Massachusetts Water Resources Commission? ____ Yes _X_ No

STORMWATER MANAGEMENT:

Generally describe the project's stormwater impacts and measures that the project will take to comply with the standards found in MassDEP's Stormwater Management Regulations:

There are no proposed impervious surfaces or point source discharges associated with the project.

MASSACHUSETTS CONTINGENCY PLAN:

Has the project site been, or is it currently being, regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes ____ No _X_ ; if yes, please describe the current status of the site (including Release Tracking Number (RTN), cleanup phase, and Response Action Outcome classification): ____ No _____

Is there an Activity and Use Limitation (AUL) on any portion of the project site? Yes ____ No _X_ ; if yes, describe which portion of the site and how the project will be consistent with the AUL: _____

Are you aware of any Reportable Conditions at the property that have not yet been assigned an RTN? Yes ____ No _X_ ; if yes, please describe: _____

SOLID AND HAZARDOUS WASTE:

If the project will generate solid waste during demolition or construction, describe alternatives considered for re-use, recycling, and disposal of, e.g., asphalt, brick, concrete, gypsum, metal, wood: _____

(NOTE: Asphalt pavement, brick, concrete and metal are banned from disposal at Massachusetts landfills and waste combustion facilities and wood is banned from disposal at Massachusetts landfills. See 310 CMR 19.017 for the complete list of banned materials.)

Will your project disturb asbestos containing materials? Yes ___ No X ;
if yes, please consult state asbestos requirements at <http://mass.gov/MassDEP/air/asbhom01.htm>

Describe anti-idling and other measures to limit emissions from construction equipment: _____
Construction equipment will not be left idling while not in use for more than one hour.

DESIGNATED WILD AND SCENIC RIVER:

Is this project site located wholly or partially within a defined river corridor of a federally designated Wild and Scenic River or a state designated Scenic River? Yes ___ No X ;
if yes, specify name of river and designation:

If yes, does the project have the potential to impact any of the "outstandingly remarkable" resources of a federally Wild and Scenic River or the stated purpose of a state designated Scenic River? Yes ___ No ___ ; if yes, specify name of river and designation: _____;
if yes, will the project will result in any impacts to any of the designated "outstandingly remarkable" resources of the Wild and Scenic River or the stated purposes of a Scenic River.
Yes ___ No ___ ;
if yes, describe the potential impacts to one or more of the "outstandingly remarkable" resources or stated purposes and mitigation measures proposed.

ATTACHMENTS:

1. List of all attachments to this document.
2. U.S.G.S. map (good quality color copy, 8-1/2 x 11 inches or larger, at a scale of 1:24,000) indicating the project location and boundaries.
- 3.. Plan, at an appropriate scale, of existing conditions on the project site and its immediate environs, showing all known structures, roadways and parking lots, railroad rights-of-way, wetlands and water bodies, wooded areas, farmland, steep slopes, public open spaces, and major utilities.
- 4 Plan, at an appropriate scale, depicting environmental constraints on or adjacent to the project site such as Priority and/or Estimated Habitat of state-listed rare species, Areas of Critical Environmental Concern, Chapter 91 jurisdictional areas, Article 97 lands, wetland resource area delineations, water supply protection areas, and historic resources and/or districts.
5. Plan, at an appropriate scale, of proposed conditions upon completion of project (if construction of the project is proposed to be phased, there should be a site plan showing conditions upon the completion of each phase).
6. List of all agencies and persons to whom the proponent circulated the ENF, in accordance with 301 CMR 11.16(2).
7. List of municipal and federal permits and reviews required by the project, as applicable.

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

- A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1))
___ Yes X No; if yes, specify each threshold:

II. Impacts and Permits

- A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings	<u>9,411sf</u>	<u>0sf</u>	<u>9,411sf</u>
Internal roadways			
Parking and other paved areas	<u>25,783sf</u>	<u>0sf</u>	<u>25,783sf</u>
Other altered areas	<u>23,857sf</u>	<u>0sf</u>	<u>23,857sf</u>
Undeveloped areas			
Total: Project Site Acreage	<u>1.36+/-</u>		<u>1.36+/-</u>

- B. Has any part of the project site been in active agricultural use in the last five years?
___ Yes X No; if yes, how many acres of land in agricultural use (with prime state or locally important agricultural soils) will be converted to nonagricultural use?
- C. Is any part of the project site currently or proposed to be in active forestry use?
___ Yes X No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a forest management plan approved by the Department of Conservation and Recreation:
- D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? ___ Yes X No; if yes, describe:
- E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction? ___ Yes X No; if yes, does the project involve the release or modification of such restriction?
___ Yes ___ No; if yes, describe:
- F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A? ___ Yes X No; if yes, describe:
- G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c.121B? Yes ___ No X; if yes, describe:

III. Consistency

- A. Identify the current municipal comprehensive land use plan
Title: A City Master Plan – New Bedford 2020 Date: 2010
- B. Describe the project's consistency with that plan with regard to:
- 1) economic development *The project promotes growth, helping to support existing and small businesses.*
 - 2) adequacy of infrastructure *The project adds needed waterfront infrastructure that will support transient boaters as well as existing and planned businesses on site.*
 - 3) open space impacts *The site is currently developed; the business on site is open to the public.*
 - 4) compatibility with adjacent land uses *The project site is located between a public boat*

ramp and a waterfront restaurant bar. The proposed floating dock system and moorings are compatible with the two adjacent land uses.

- C. Identify the current Regional Policy Plan of the applicable Regional Planning Agency (RPA)
RPA: **Southeastern Regional Planning and Economic Development District (SRPEDD)**

Title: **Regional Land Use: Roles, Policies and Plan Outline for Southeastern Massachusetts**

Date: **June 1996**

- D. Describe the project's consistency with that plan with regard to:

1) economic development *The project promotes growth, helping to support existing and small businesses.*

2) adequacy of infrastructure *SRPEDD encourages land uses that will enable the region to optimize its natural resources, such as its coast and cranberry bogs. The proposed project falls in line with that goal by promoting waterfront development and access to navigable waters.*

3) open space impacts *The site is currently developed.*

RARE SPECIES SECTION

I. Thresholds / Permits

- A. Will the project meet or exceed any review thresholds related to **rare species or habitat** (see 301 CMR 11.03(2))? ☒ Yes ☐ No; if yes, specify, in quantitative terms:

(NOTE: If you are uncertain, it is recommended that you consult with the Natural Heritage and Endangered Species Program (NHESP) prior to submitting the ENF.)

- B. Does the project require any state permits related to **rare species or habitat**? ☐ Yes ☒ No

- C. Does the project site fall within mapped rare species habitat (Priority or Estimated Habitat?) in the current Massachusetts Natural Heritage Atlas (attach relevant page)? ☒ Yes ☐ No.

- D. If you answered "No" to all questions A, B and C, proceed to the **Wetlands, Waterways, and Tidelands Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Rare Species section below.

II. Impacts and Permits

- A. Does the project site fall within Priority or Estimated Habitat in the current Massachusetts Natural Heritage Atlas (attach relevant page)? ☒ Yes ☐ No. If yes,

1. Have you consulted with the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP)? ☐ Yes ☒ No; if yes, have you received a determination as to whether the project will result in the "take" of a rare species? ☐ Yes ☒ No; if yes, attach the letter of determination to this submission.

2. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? ☐ Yes ☒ No; if yes, provide a summary of proposed measures to minimize and mitigate rare species impacts

3. Which rare species are known to occur within the Priority or Estimated Habitat?

4. Has the site been surveyed for rare species in accordance with the Massachusetts Endangered Species Act? ☒ Yes ☐ No

4. If your project is within Estimated Habitat, have you filed a Notice of Intent or received an Order of Conditions for this project? ☐ Yes ☒ No*; if yes, did you send a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program, in accordance with the Wetlands Protection Act regulations? ☐ Yes ☐ No

*The proponent is intending to file a Notice of Intent with the New Bedford Conservation Commission and will provide a copy of the NOI to NHESP.

- B. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? ☐ Yes ☒ No; if yes, provide a summary of proposed measures to minimize and mitigate impacts to significant habitat:

WETLANDS, WATERWAYS, AND TIDELANDS SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wetlands, waterways, and tidelands** (see 301 CMR 11.03(3))? X Yes ___ No; if yes, specify, in quantitative terms:

MEPA Reg Section 301CMR 11.03.(3)(b)(6): Wetlands, Waterways, Tidelands - Construction, reconstruction or Expansion of an existing solid fill structure of 1,000 or more sf base area or of a pile-supported or bottom-anchored structure of 2,000 or more sf base area, except a seasonal, pile-held or bottom-anchored float, provided the structure occupies flowed tidelands or other waterways.

B. Does the project require any state permits (or a local Order of Conditions) related to **wetlands, waterways, or tidelands**? X Yes ___ No; if yes, specify which permit:

- **Order of Conditions**
- **MA DEP Waterways Chapter 91 License**

C. If you answered "No" to both questions A and B, proceed to the **Water Supply Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wetlands, Waterways, and Tidelands Section below.

II. Wetlands Impacts and Permits

A. Does the project require a new or amended Order of Conditions under the Wetlands Protection Act (M.G.L. c.131A)? X Yes ___ No; if yes, has a Notice of Intent been filed? ___ Yes X No; if yes, list the date and MassDEP file number: _____; if yes, has a local Order of Conditions been issued? ___ Yes ___ No; Was the Order of Conditions appealed? ___ Yes ___ No. Will the project require a Variance from the Wetlands regulations? ___ Yes ___ No.

B. Describe any proposed permanent or temporary impacts to wetland resource areas located on the project site:

The proposed waterfront structure improvements (i.e. proposed floats, proposed piles, gangways, and moorings) will permanently impact a total of ±43.6 square feet (SF) of Land Under Ocean; the seasonal tiki bar will occupy ±6,257 SF of Land Subject to Coastal Storm Flowage. (See Exhibit A: Project Narrative)

C. Estimate the extent and type of impact that the project will have on wetland resources, and indicate whether the impacts are temporary or permanent:

<u>Coastal Wetlands</u>	<u>Area (square feet) or Length (linear feet)</u>	<u>Temporary or Permanent Impact?</u>
Land Under the Ocean	Floats = 3,400 sf Piles = 22.4 sf; Moorings = 21.2 sf;	Permanent Permanent
Designated Port Areas	_____	_____
Coastal Beaches	_____	_____
Coastal Dunes	_____	_____
Barrier Beaches	_____	_____
Coastal Banks	_____	_____
Rocky Intertidal Shores	_____	_____
Salt Marshes	_____	_____
Land Under Salt Ponds	_____	_____
Land Containing Shellfish	Floats = 3,400sf Piles = 22.4 sf; Moorings = 21.2 sf;	Permanent Permanent
Fish Runs	_____	_____
Land Subject to Coastal Storm Flowage	6,257 sf (seasonal tiki bar)	_____

Inland Wetlands

Bank (lf) _____

Bordering Vegetated Wetlands _____

Isolated Vegetated Wetlands _____

Land under Water _____

Isolated Land Subject to Flooding _____

Bordering Land Subject to Flooding _____

Riverfront Area _____

D. Is any part of the project:

1. proposed as a **limited project**? ___ Yes X No; if yes, what is the area (in sf)? ____
2. the construction or alteration of a **dam**? ___ Yes X No; if yes, describe: _____
3. fill or structure in a **velocity zone** or **regulatory floodway**? X Yes ___ No
4. dredging or disposal of dredged material? ___ Yes X No; if yes, describe the volume of dredged material and the proposed disposal site: _____
5. a discharge to an **Outstanding Resource Water (ORW)** or an **Area of Critical Environmental Concern (ACEC)**? ___ Yes X No
6. subject to a wetlands restriction order? ___ Yes X No; if yes, identify the area (in sf): _____
7. located in buffer zones? X Yes ___ No; if yes, how much (in sf) _____

E. Will the project:

1. be subject to a local wetlands ordinance or bylaw? ___ Yes X No
2. alter any federally-protected wetlands not regulated under state law? ___ Yes X No; if yes, what is the area (sf)? _____

III. Waterways and Tidelands Impacts and Permits

A. Does the project site contain waterways or tidelands (including filled former tidelands) that are subject to the Waterways Act, M.G.L.c.91? X Yes ___ No; if yes, is there a current Chapter 91 License or Permit affecting the project site? X Yes ___ No; if yes, list the date and license or permit number and provide a copy of the historic map used to determine extent of filled tidelands: 8/7/14: License No. 13647 (Historic high water line shown in Exhibit C)

B. Does the project require a new or modified license or permit under M.G.L.c.91? X Yes ___ No; if yes, how many acres of the project site subject to M.G.L.c.91 will be for non-water-dependent use? Current ___ Change 6,257 sf Total 6257 sf
If yes, how many square feet of solid fill or pile-supported structures (in sf)?

3,400 sf (floating docks)

C. For non-water-dependent use projects, indicate the following:

Area of filled tidelands on the site: 32,580 sf +/-

Area of filled tidelands covered by buildings: 367 sf +/-

For portions of site on filled tidelands, list ground floor uses and area of each use:

Waterfront building was used as ticket office for Schamoonchi ferry; proposed use is as a support building for pier including safety equipment and potential staff

Does the project include new non-water-dependent uses located over flowed tidelands?

Yes ___ No X

Height of building on filled tidelands _____

Also show the following on a site plan: Mean High Water, Mean Low Water, Water-dependent Use Zone, location of uses within buildings on tidelands, and interior and exterior areas and facilities dedicated for public use, and historic high and historic low water marks.

D. Is the project located on landlocked tidelands? ___ Yes X No; if yes, describe the project's impact on the public's right to access, use and enjoy jurisdictional tidelands and describe measures the project will implement to avoid, minimize or mitigate any adverse impact:

E. Is the project located in an area where low groundwater levels have been identified by a

municipality or by a state or federal agency as a threat to building foundations? ___ Yes
X No; if yes, describe the project's impact on groundwater levels and describe
measures the project will implement to avoid, minimize or mitigate any adverse impact:

F. Is the project non-water-dependent **and** located on landlocked tidelands **or** waterways or
tidelands subject to the Waterways Act **and** subject to a mandatory EIR? ___ Yes _X_ No;

(NOTE: If yes, then the project will be subject to Public Benefit Review and
Determination.)

G. Does the project include dredging? ___ Yes _X_ No; if yes, answer the following questions:

What type of dredging? Improvement ___ Maintenance ___ Both ___

What is the proposed dredge volume, in cubic yards (cys) _____

What is the proposed dredge footprint _____ length (ft) _____ width (ft) _____ depth (ft);

Will dredging impact the following resource areas?

Intertidal Yes ___ No ___; if yes, ___ sq ft

Outstanding Resource Waters Yes ___ No ___; if yes, ___ sq ft

Other resource area (i.e. shellfish beds, eel grass beds) Yes ___ No ___; if yes ___
sq ft

If yes to any of the above, have you evaluated appropriate and practicable steps
to: 1) avoidance; 2) if avoidance is not possible, minimization; 3) if either
avoidance or minimize is not possible, mitigation?

If no to any of the above, what information or documentation was used to support
this determination?

Provide a comprehensive analysis of practicable alternatives for improvement dredging in
accordance with 314 CMR 9.07(1)(b). Physical and chemical data of the
sediment shall be included in the comprehensive analysis.

Sediment Characterization

Existing gradation analysis results? ___ Yes ___ No; if yes, provide results.

Existing chemical results for parameters listed in 314 CMR 9.07(2)(b)6? ___ Yes
___ No; if yes, provide results.

Do you have sufficient information to evaluate feasibility of the following management
options for dredged sediment? If yes, check the appropriate option.

Beach Nourishment ___

Unconfined Ocean Disposal ___

Confined Disposal:

Confined Aquatic Disposal (CAD) ___

Confined Disposal Facility (CDF) ___

Landfill Reuse in accordance with COMM-97-001 ___

Shoreline Placement ___

Upland Material Reuse ___

In-State landfill disposal ___

Out-of-state landfill disposal ___

(NOTE: This information is required for a 401 Water Quality Certification.)

IV. Consistency:

A. Does the project have effects on the coastal resources or uses, and/or is the project located
within the Coastal Zone? _X_ Yes ___ No; if yes, describe these effects and the projects
consistency with the policies of the Office of Coastal Zone Management:

**COASTAL HAZARD POLICY #1: Preserve, protect, restore, and enhance the beneficial
functions of storm damage prevention and flood control provided by natural coastal storm
flowage, salt marshes, and land under ocean.** *The proposed project activities will occur within natural
coastal landforms, including, Land Under the Ocean. The project has been designed to minimize impacts to
this landform to greatest extent possible (see Exhibit A, Project Narrative in for detailed information that
demonstrates compliance with Coastal Hazard Policy #1).*

COASTAL HAZARD POLICY #2: Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. *The proposed timber piles and moorings will have minimal impact on water circulation and sediment grain size distribution within the project area. The proposed piles and moorings will be spaced such that the post-build water circulation and sediment transport within the project area is comparable to existing conditions.*

GROWTH MANAGEMENT POLICY #1: Encourage sustainable development that is consistent with state, regional and local plans and supports the quality and character of the community. *The proposed project is consistent with the local quality and character of the City of New Bedford, as well as the character of the local area in which it is proposed. New Bedford is a community with a rich history of water-based activities and industry. The abutting properties include a public boat ramp and a waterfront restaurant; these land uses would be enhanced by the functionality and nature of the proposed project.*

GROWTH MANAGEMENT POLICY #3: Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and financial support for residential, commercial, and industrial development. *The project site, while consisting of an existing building and timber pier, is currently unoccupied. It was formerly a restaurant and night club and is planned to be renovated as an event venue and bar featuring raw bar and seafood options. This project will revitalize the property and enhance the local area by promoting water-dependent economic development.*

HABITAT POLICY #1: Protect wetland areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, eel grass beds, and freshwater wetlands for their role as natural habitats. *The site consists of an existing, authorized timber pier. The wetland areas directly impacted by the proposed project include Land Under Ocean and Shellfish Suitability Area. The project has been designed to minimize impacts to wetland resources to the greatest extent feasible as described in Section "Coastal Resource Areas" (see Exhibit A, Project Narrative). The project is not located in any areas mapped as suitable eelgrass habitat. The proposed floating dock system and moorings have been designed to minimize impact to wetland areas within the project site.*

PORTS AND HARBORS POLICY #4: For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water's edge for operational purposes. *The proposed project will consist of performing maintenance and improvement activities at an existing, authorized timber pier. This facility is water-dependent and specifically designed for vessel-related activities requiring suitable facilities along the water's edge. The features that are proposed to be implemented will support and enhance access to the coastal waterway.*

PUBLIC ACCESS POLICY #1: Ensure that development (both water-dependent or nonwater-dependent) of coastal sites subject to state waterways regulations will promote general public use and enjoyment of the water's edge, to an extent commensurate with the Commonwealth's interests in flowed and filled tidelands under the Public Trust Doctrine. *The proposed water-dependent facilities will promote access to and from Buzzard's Bay for visitors to the site. The site includes public access and the business on this site as well as the neighboring property welcome the public as patrons.*

C. Is the project located within an area subject to a Municipal Harbor Plan? ☒ Yes ☐ No; if yes, identify the Municipal Harbor Plan and describe the project's consistency with that plan: *The project site is subject to the New Bedford/Fairhaven Municipal Harbor Plan dated May 26, 2010. The Harbor Plan describes community goals intending to guide the plan development, including: Rebuild and Add to Harbor Infrastructure, Capture New Opportunities and Enhance the Harbor Environment. The proposed site*

improvements will enhance the public's access from navigable waters to and from the site and will promote accessing the local business for recreational boaters.

WATER SUPPLY SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **water supply** (see 301 CMR 11.03(4))? ☐ Yes ☒ No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **water supply**? ☐ Yes ☒ No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Wastewater Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Water Supply Section below.

II. Impacts and Permits

A. Describe, in gallons per day (gpd), the volume and source of water use for existing and proposed activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Municipal or regional water supply	_____	_____	_____
Withdrawal from groundwater	_____	_____	_____
Withdrawal from surface water	_____	_____	_____
Interbasin transfer	_____	_____	_____

(NOTE: Interbasin Transfer approval will be required if the basin and community where the proposed water supply source is located is different from the basin and community where the wastewater from the source will be discharged.)

B. If the source is a municipal or regional supply, has the municipality or region indicated that there is adequate capacity in the system to accommodate the project? ☐ Yes ☐ No

C. If the project involves a new or expanded withdrawal from a groundwater or surface water source, has a pumping test been conducted? ☐ Yes ☐ No; if yes, attach a map of the drilling sites and a summary of the alternatives considered and the results. _____

D. What is the currently permitted withdrawal at the proposed water supply source (in gallons per day)? _____ Will the project require an increase in that withdrawal? ☐ Yes ☐ No; if yes, then how much of an increase (gpd)? _____

E. Does the project site currently contain a water supply well, a drinking water treatment facility, water main, or other water supply facility, or will the project involve construction of a new facility? ☐ Yes ☐ No. If yes, describe existing and proposed water supply facilities at the project site:

	<u>Permitted Flow</u>	<u>Existing Avg Daily Flow</u>	<u>Project Flow</u>	<u>Total</u>
Capacity of water supply well(s) (gpd)	_____	_____	_____	_____
Capacity of water treatment plant (gpd)	_____	_____	_____	_____

F. If the project involves a new interbasin transfer of water, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or proposed?

G. Does the project involve:

1. new water service by the Massachusetts Water Resources Authority or other agency of the Commonwealth to a municipality or water district? ☐ Yes ☐ No
2. a Watershed Protection Act variance? ☐ Yes ☐ No; if yes, how many acres of alteration?
3. a non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking

water supply for purpose of forest harvesting activities? ☐ Yes ☐ No

III. Consistency

Describe the project's consistency with water conservation plans or other plans to enhance water resources, quality, facilities and services:

WASTEWATER SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wastewater** (see 301 CMR 11.03(5))? ☐ Yes ☒ No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **wastewater**? ☐ Yes ☒ No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Transportation -- Traffic Generation Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wastewater Section below.

II. Impacts and Permits

A. Describe the volume (in gallons per day) and type of disposal of wastewater generation for existing and proposed activities at the project site (calculate according to 310 CMR 15.00 for septic systems or 314 CMR 7.00 for sewer systems):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Discharge of sanitary wastewater	_____	_____	_____
Discharge of industrial wastewater	_____	_____	_____
TOTAL	_____	_____	_____

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Discharge to groundwater	_____	_____	_____
Discharge to outstanding resource water	_____	_____	_____
Discharge to surface water	_____	_____	_____
Discharge to municipal or regional wastewater facility	_____	_____	_____
TOTAL	_____	_____	_____

B. Is the existing collection system at or near its capacity? ☐ Yes ☐ No; if yes, then describe the measures to be undertaken to accommodate the project's wastewater flows:

C. Is the existing wastewater disposal facility at or near its permitted capacity? ☐ Yes ☐ No; if yes, then describe the measures to be undertaken to accommodate the project's wastewater flows:

D. Does the project site currently contain a wastewater treatment facility, sewer main, or other wastewater disposal facility, or will the project involve construction of a new facility? ☐ Yes ☐ No; if yes, describe as follows:

	<u>Permitted</u>	<u>Existing Avg Daily Flow</u>	<u>Project Flow</u>	<u>Total</u>
Wastewater treatment plant capacity (in gallons per day)	_____	_____	_____	_____

E. If the project requires an interbasin transfer of wastewater, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or new?

(NOTE: Interbasin Transfer approval may be needed if the basin and community where wastewater will be discharged is different from the basin and community where the source of water supply is located.)

F. Does the project involve new sewer service by the Massachusetts Water Resources Authority (MWRA) or other Agency of the Commonwealth to a municipality or sewer district? ____ Yes ____ No

G. Is there an existing facility, or is a new facility proposed at the project site for the storage, treatment, processing, combustion or disposal of sewage sludge, sludge ash, grit, screenings, wastewater reuse (gray water) or other sewage residual materials? ____ Yes ____ No; if yes, what is the capacity (tons per day):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment	_____	_____	_____
Processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

H. Describe the water conservation measures to be undertaken by the project, and other wastewater mitigation, such as infiltration and inflow removal.

III. Consistency

A. Describe measures that the proponent will take to comply with applicable state, regional, and local plans and policies related to wastewater management:

B. If the project requires a sewer extension permit, is that extension included in a comprehensive wastewater management plan? ____ Yes ____ No; if yes, indicate the EEA number for the plan and whether the project site is within a sewer service area recommended or approved in that plan:

TRANSPORTATION SECTION (TRAFFIC GENERATION)

I. Thresholds / Permit

A. Will the project meet or exceed any review thresholds related to **traffic generation** (see 301 CMR 11.03(6))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **state-controlled roadways**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Roadways and Other Transportation Facilities Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Traffic Generation Section below.

II. Traffic Impacts and Permits

A. Describe existing and proposed vehicular traffic generated by activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Number of parking spaces	_____	_____	_____
Number of vehicle trips per day	_____	_____	_____
ITE Land Use Code(s):	_____	_____	_____

B. What is the estimated average daily traffic on roadways serving the site?

<u>Roadway</u>	<u>Existing</u>	<u>Change</u>	<u>Total</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

C. If applicable, describe proposed mitigation measures on state-controlled roadways that the project proponent will implement:

D. How will the project implement and/or promote the use of transit, pedestrian and bicycle facilities and services to provide access to and from the project site?

C. Is there a Transportation Management Association (TMA) that provides transportation demand management (TDM) services in the area of the project site? ___ Yes ___ No; if yes, describe if and how will the project will participate in the TMA:

D. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation facilities? ___ Yes ___ No; if yes, generally describe:

E. If the project will penetrate approach airspace of a nearby airport, has the proponent filed a Massachusetts Aeronautics Commission Airspace Review Form (780 CMR 111.7) and a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) (CFR Title 14 Part 77.13, forms 7460-1 and 7460-2)?

III. Consistency

Describe measures that the proponent will take to comply with municipal, regional, state, and federal plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services:

TRANSPORTATION SECTION (ROADWAYS AND OTHER TRANSPORTATION FACILITIES)

I. Thresholds

A. Will the project meet or exceed any review thresholds related to **roadways or other transportation facilities** (see 301 CMR 11.03(6))? ____ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **roadways or other transportation facilities**? ____ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Energy Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Roadways Section below.

II. Transportation Facility Impacts

A. Describe existing and proposed transportation facilities in the immediate vicinity of the project site:

B. Will the project involve any

1. Alteration of bank or terrain (in linear feet)? _____
2. Cutting of living public shade trees (number)? _____
3. Elimination of stone wall (in linear feet)? _____

III. Consistency -- Describe the project's consistency with other federal, state, regional, and local plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services, including consistency with the applicable regional transportation plan and the Transportation Improvements Plan (TIP), the State Bicycle Plan, and the State Pedestrian Plan:

ENERGY SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **energy** (see 301 CMR 11.03(7))?
___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **energy**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Air Quality Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Energy Section below.

II. Impacts and Permits

A. Describe existing and proposed energy generation and transmission facilities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Capacity of electric generating facility (megawatts)	_____	_____	_____
Length of fuel line (in miles)	_____	_____	_____
Length of transmission lines (in miles)	_____	_____	_____
Capacity of transmission lines (in kilovolts)	_____	_____	_____

B. If the project involves construction or expansion of an electric generating facility, what are:

1. the facility's current and proposed fuel source(s)?
2. the facility's current and proposed cooling source(s)?

C. If the project involves construction of an electrical transmission line, will it be located on a new, unused, or abandoned right of way? ___Yes ___No; if yes, please describe:

D. Describe the project's other impacts on energy facilities and services:

III. Consistency

Describe the project's consistency with state, municipal, regional, and federal plans and policies for enhancing energy facilities and services:

AIR QUALITY SECTION

I. Thresholds

A. Will the project meet or exceed any review thresholds related to **air quality** (see 301 CMR 11.03(8))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **air quality**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Solid and Hazardous Waste Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Air Quality Section below.

II. Impacts and Permits

A. Does the project involve construction or modification of a major stationary source (see 310 CMR 7.00, Appendix A)? ___ Yes ___ No; if yes, describe existing and proposed emissions (in tons per day) of:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Particulate matter	_____	_____	_____
Carbon monoxide	_____	_____	_____
Sulfur dioxide	_____	_____	_____
Volatile organic compounds	_____	_____	_____
Oxides of nitrogen	_____	_____	_____
Lead	_____	_____	_____
Any hazardous air pollutant	_____	_____	_____
Carbon dioxide	_____	_____	_____

B. Describe the project's other impacts on air resources and air quality, including noise impacts:

III. Consistency

A. Describe the project's consistency with the State Implementation Plan:

B. Describe measures that the proponent will take to comply with other federal, state, regional, and local plans and policies related to air resources and air quality:

SOLID AND HAZARDOUS WASTE SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **solid or hazardous waste** (see 301 CMR 11.03(9))? ☐ Yes ☒ No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **solid and hazardous waste**? ☐ Yes ☒ No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Historical and Archaeological Resources Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Solid and Hazardous Waste Section below.

II. Impacts and Permits

A. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of solid waste? ☐ Yes ☐ No; if yes, what is the volume (in tons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment, processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

B. Is there any current or proposed facility at the project site for the storage, recycling, treatment or disposal of hazardous waste? ☐ Yes ☐ No; if yes, what is the volume (in tons or gallons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Recycling	_____	_____	_____
Treatment	_____	_____	_____
Disposal	_____	_____	_____

C. If the project will generate solid waste (for example, during demolition or construction), describe alternatives considered for re-use, recycling, and disposal:

D. If the project involves demolition, do any buildings to be demolished contain asbestos?
☐ Yes ☐ No

E. Describe the project's other solid and hazardous waste impacts (including indirect impacts):

III. Consistency

Describe measures that the proponent will take to comply with the State Solid Waste Master Plan:

Exhibit A Project Narrative

Introduction and Project Purpose:

VVK Realty, LLC ("Proponent") purchased the subject property in 2014. The project site is located at 1494 E Rodney French Blvd. in New Bedford, MA (Assessor's Map 12, Lot 77) along the western shore of Buzzard's Bay (see **Exhibit B**). VVK Realty, LLC is the owner of the abutting property to the south, the site of The Edge restaurant. The subject property was formerly a bar and night club known as Smuggler's Den and Billy Wood's Wharf. The site was also used as the landing location for the Schamonchi ferry, providing passenger service between New Bedford and Martha's Vineyard.

The site has been vacant for several years and VVK is planning to renovate the building as an event venue and bar featuring raw bar and seafood options. As part of the renovation of the property, VVK is proposing the rehabilitation of an existing timber pier, along with the installation of four pile-anchored floating docks, two gangways and 12 moorings. The float system, including dinghy docks, will provide a landing site for transient, recreational vessels visiting the property. VVK also proposes to relocate the seasonal tiki bar from the adjacent property to the subject site within a lease area approximately 6,257 sf.

The proposed project is designed to improve access between the property and the navigable waters of Buzzard's Bay. The purpose of the project is to maintain existing waterfront infrastructure, improve access to the site for transient boaters through moorings and floating docks, and to renovate and restore the business on site.

Site Description:

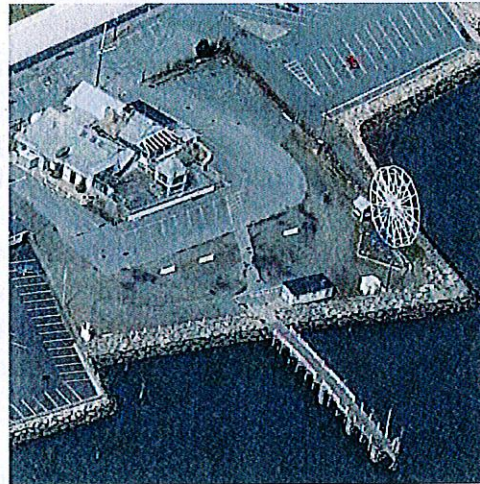
The project site is mapped as a shellfish suitability area, as designated by the Massachusetts Division of Marine Fisheries (MA DMF). The proposed work is located within the FEMA VE (El. 17.0' NAVD 88) zone. See **Exhibit C** for site resource area maps and the FIRM pertaining to the project location. The project site is bounded between a public boat ramp to the north and a waterfront restaurant, The Edge, to the south.

Existing Conditions:

On April 4, 2014, CLE Engineering, Inc. (CLE) conducted a site survey to document existing conditions relative to Mean Low Water (MLW) on the upland portion of the project site. On March 19 and November 3, 2014, CLE Engineering conducted hydrographic surveys to document existing conditions relative to MLW of nearshore areas adjacent to the site. The existing building, timber pier and site features are depicted on the plans and verified by CLE. The existing timber pier (140'x10') on the project site is in fair condition with localized areas of deterioration of the timber frame, decking or piles. Existing conditions of the project site are shown in the plans provided in **Exhibit D**. Site photographs of the project site are provided in **Exhibit E**.

CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738
January 2015

VVK Realty, LLC
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
1494 East Rodney French Blvd.
New Bedford, MA



Aerial View of Project Site

Project Description:

The project consists of the rehabilitation of the existing timber pier, addition of floating dock and gangway systems north and south of the existing pier, installation of moorings and relocation of the seasonal tiki bar from the adjacent property (The Edge) to a proposed lease area within this site.

Details pertaining to the proposed improvements are provided below and shown on the Plans provided in **Exhibit D**. Copies of prior permits issued for existing structures are provided in **Exhibit F**.

Installation of Floating Docks

The proposed floating dock system will consist of four (4) float areas, totaling 3,400 sf. Floats will be pile-supported by (16) 16-inch diameter timber or steel pipe piles. Access to the floats will be provided by two (2) proposed aluminum 5'x35' gangways. The proposed floating docks will serve to provide access to navigable waters from the project site, as well as provide a landing area for transient boaters visiting the property.

Installation of Moorings

As part of this project, the proponent proposes the installation of 12 moorings. The moorings will be helical systems with chain and designed to accommodate vessels up to 60' in length. The proposed moorings will serve transient and recreational boaters in the area and are not intended for use during storm events.

Coastal Resource Areas:

All proposed project activities associated with the pier rehabilitation and pile anchored floating docks are located within Land Under Ocean. The proposed moorings are located within the National Heritage & Endangered Species Program (NHESP) mapped Priority/Estimated Habitat.

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

The proposed project is primarily a water-dependent project that has been designed and will be constructed using the best available measures to avoid/minimize adverse impacts to coastal wetland resource areas. The limits of existing coastal resource areas within the vicinity of the proposed project are delineated on the plans provided in **Exhibit D**.

The seasonal tiki bar will be located within filled tidelands and Land Subject to Coastal Storm Flowage. In conjunction with the relocation of the tiki bar, VVK proposes a 10' wide public access walkway from the southern property line to the existing waterfront support building. This access will provide continuity for the public access on the adjacent property to the south.

❖ **Land Under Ocean (310 CMR 10.25)**

Land Under the Ocean (LUO) is defined as "land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries". LUO, particularly the nearshore area, is presumed significant to the protection of marine fisheries, protection of wildlife habitat, storm damage prevention and flood control (310 CMR 10.25). Consistent with 310 CMR 10.25 (6), this primarily water dependent project has been designed using best available measures to minimize adverse effects caused by:

a. alterations in water circulation;

The proposed piles and moorings will have minimal impact on water circulation in the area. The proposed piles and moorings will be spaced such that the post-build water circulation within the project area is comparable to existing conditions.

b. destruction of eel grass (*Zostera marina*) or widgeon grass (*Rupia maritima*);

*The MassGIS database does not show any eel grass (*Zostera marina*) or widgeon grass (*Rupia maritima*) within the vicinity of the proposed project. During the hydrographic survey, no submerged aquatic vegetation was observed. The project site is mapped as a shellfish suitability area by MA DMF.*

c. alterations in sediment grain size;

The proposed piles and moorings will have minimal impact on sediment grain size distribution in the area. The proposed piles and moorings will be spaced such that post-build sediment transport within the project area is comparable to existing conditions.

d. changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; and

By proposing a floating dock system versus a fixed pier, the proponent has minimized the number of piles necessary. The floating docks are located in areas that will allow for more than 2.5' of clearance below the floats at all tides, thereby limited bottom effects and associated turbidity.

cleengineering

- e. alterations of shallow submerged lands with high densities of polychaetes, mollusks, or macrophytic algae.

Piles often attract species which provide a source of food for fish and other marine life.

❖ **Land Containing Shellfish (310 CMR 10.34)**

Land Containing Shellfish (LCS) is defined as "land under the ocean...when any such land contains shellfish". Land Containing Shellfish shall be found significant when it has been identified and mapped as follows: by the Conservation Commission or the Department in consultation with MA DMF and based upon maps and designations of MA DMF; or by the Conservation Commission or the Department based on maps and written documentation of the shellfish constable or the Department. In making such identification and maps, the following factors shall be taken into account and documented: the density of shellfish, the size of the area and the historical and current importance of the area to recreational or commercial shellfishing.

According to the most current available MA GIS data pertaining to MA DMF mapped suitable shellfish habitat, the proposed floating docks, associated pilings and moorings may be located within LCS, of which may include which may include quahog, soft shell clam and/or bay scallop. It is noted that areas mapped by MA DMF include sites where shellfish have historically been sighted, but may not currently support any shellfish. The shellfish suitability areas were not verified in the field and the boundaries were not surveyed by CLE. Accordingly, this information should be used only as a guide to the approximate locations of potential habitats. According to MA GIS, the project area is presently a conditionally approved site for harvesting.

❖ **NHESP Priority/Estimated Habitat (310 CMR 10.37)**

The proposed moorings are located within NHESP Priority/Estimated Habitat. Moorings will be helical anchor systems, thereby minimizing impacts compared with a mushroom or block system.

Waterfront Structures

Table 1 presented below summarizes the anticipated impacts to LUO as a result of the proposed installation of waterfront structures:

Table 1: Summary of Impacts to LUO Resulting from Installation of Waterfront Structures

Structure	Impact Area to LUO (SF)
(16) Float Guide Piles	±1.4 per pile
TOTAL	±22.4

The proposed new floating docks will be pile supported, thereby minimizing the impact to LUO by eliminating cyclic impacts resulting from bottom anchor and chain systems.

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

Moorings

Table 2 presented below summarizes the anticipated impacts to LUO and NHESP Priority/Estimated Habitat as a result of the proposed installation of moorings:

**Table 2: Summary of Impacts to LUO and NHESP Priority/Estimated Habitat
Resulting from Installation of Moorings**

Proposed Number of Moorings	Impact Area to LUO (SF)	Impact Area to NHESP Habitat (SF)
(12) Moorings	±1.8 each	±1.8 each
TOTAL	±21.2 sf	±21.2 sf

Required Regulatory Approvals:

The following regulatory approvals are anticipated to be required for the proposed project:

- Order of Conditions
- MA DEP Waterways Chapter 91 License
- US Department of the Army Corps of Engineers Permit
- MEPA – Certificate on Environmental Notification Form

Alternatives Analysis:

The improvements proposed as part of this project have no off-site alternatives. On-site alternatives include:

- No-build alternative: The no-build alternative will result in continued limited access to navigable waters to/from the site and a lack of transient docking for boaters within the project area. The no-build alternative does not meet the project goals and is not considered further.
- Pier Rehabilitation and Upgrades as a Vessel Berthing Facility: This alternative focuses on the maintenance and rehabilitation of the existing timber pier. The intent of the upgrade would be to make the pier suitable for direct vessel docking so that it can serve as the primary access for transient boaters. This alternative would require reconstruction of the majority of the pier and addition of piles. A significant elevation differential between waterline and the pier deck exists at the majority of tides which does not allow for safe, convenient access to the pier for boaters.
- Floating Docks Located Off Eastern End of Pier: This alternative involves installing a floating dock system off of the end of the existing timber pier, which would also necessitate moving the proposed moorings easterly into Buzzard's Bay. This location of the docks/moorings has an increased wave exposure and calls into consideration the installation of a wave-break structure. Further, this alternative would result in a

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

greater impact to NHESP Estimated/Priority Habitat, which is located approximately 18' from the end of the existing timber pier.

- Preferred Alternative: Pier Maintenance and Rehabilitation, Floating Docks Located Off Northern and Southern Sides of Pier: Pile anchored floating docks installed on the north and south sides of the existing pier allows for safe, convenient transfer of vessel passengers to the floating docks at all tides. The floating docks do not extend beyond the existing pier and depending on the fetch direction; floats are afforded some protection from the existing pier structure. Pile anchored floats will have less impacts on Land Under Ocean than bottom anchored chain systems.

Construction Means & Methods:

The following means and methods will be implemented for the proposed project, which has been designed to minimize the impacts to resource areas:

- The Contractor shall adhere to all permit requirements and conditions.
- Absolutely no release is allowed into the waterway of any petroleum product, epoxies, resins, admixtures, touch-up coatings or the like. Accidental releases shall be reported to the Harbormaster, Engineer, and if applicable, the U. S. Coast Guard. The Contractor shall have on site sufficient sorbent pads and booms to contain an accidental spill.
- Debris from construction operations is to be cleaned up on a regular basis and disposed of off site at a properly designated facility. Any floating debris shall be contained in the work area by floating booms and shall not be allowed to drift about the bay.
- No refueling of construction equipment shall be permitted in the immediate vicinity of any coastal resource area.

Pier Structure, Floats and Gangways

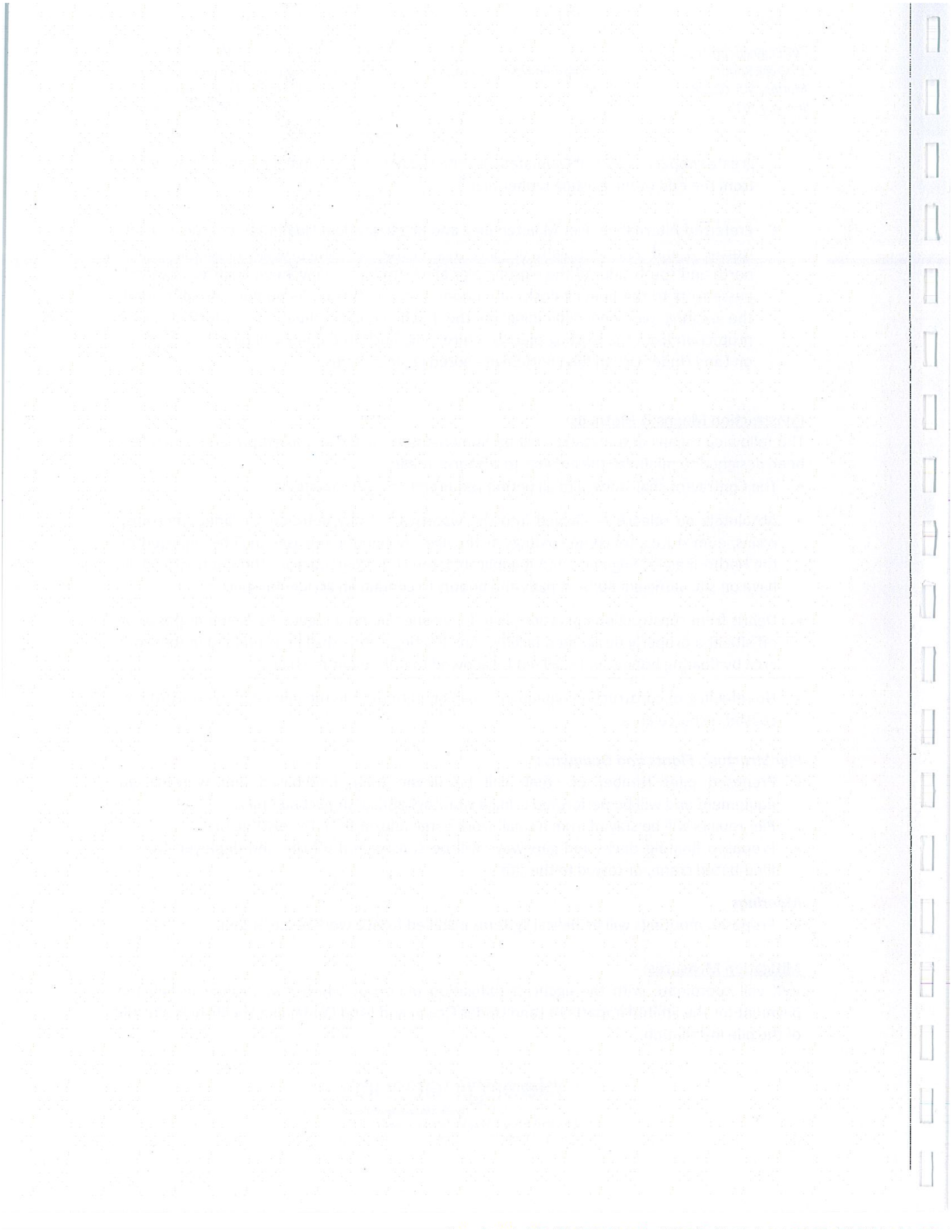
- Proposed piles (timber or steel) will be driven using land-based and water-based equipment and will be performed using a vibratory and/or impact hammer.
- Pier repairs will be staged from a small work barge and/or from the existing pier.
- Proposed floating docks and gangways will be constructed off-site and deployed from a land-based crane, or towed to the site.

Moorings

- Proposed moorings will be helical systems installed from a work barge/vessel.

Mitigation Measures:

VVK will coordinate with the agencies mitigation measures which may include in lieu fee payment for the limited impacts to Land Under Ocean and Land Containing Shellfish as a result of the pile installation.



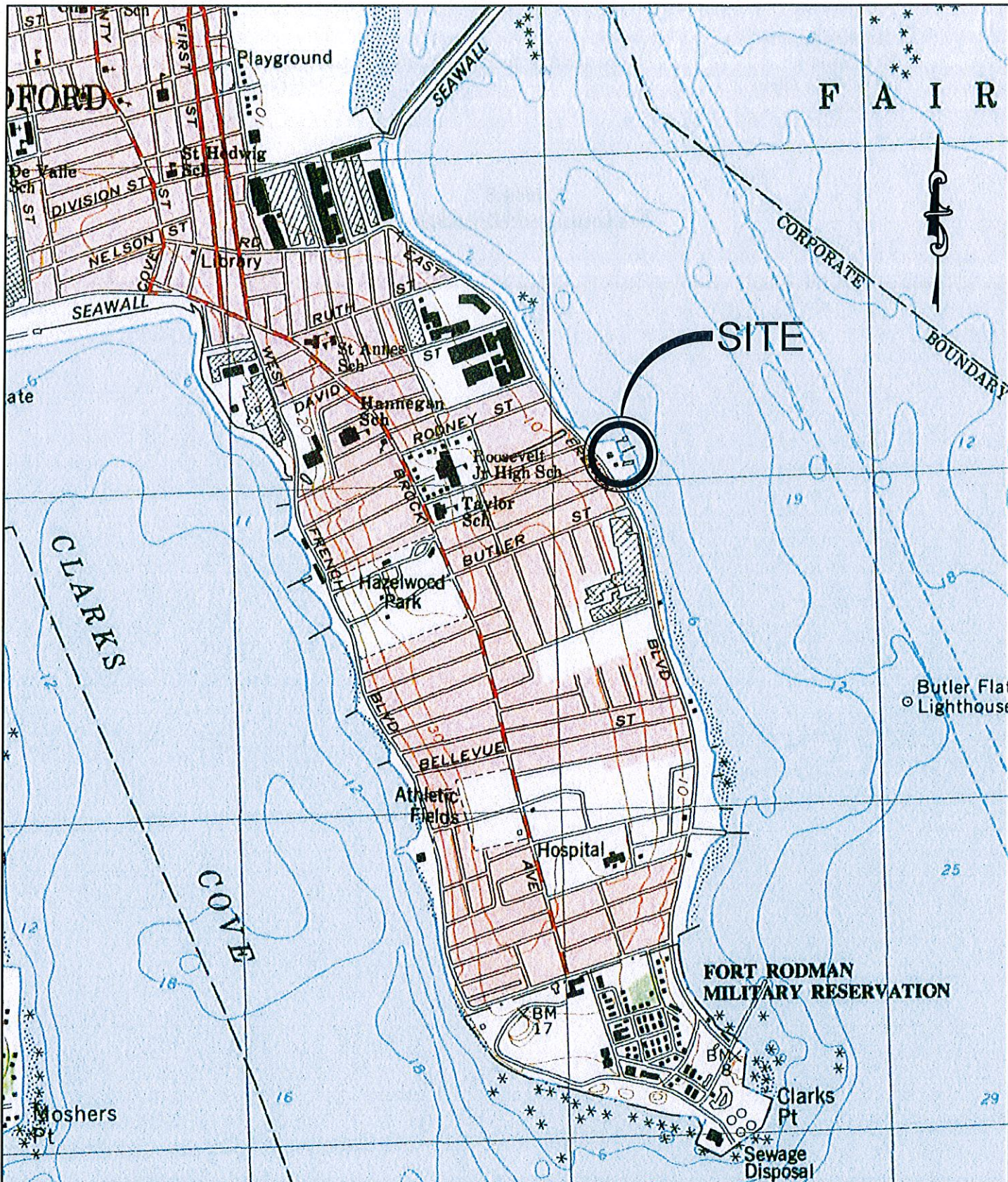
CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738
January 2015

VVK Realty, LLC
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
1494 East Rodney French Blvd.
New Bedford, MA

Exhibit B
Site Locus: USGS Quad Sheet

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com



**EXHIBIT A
LOCUS MAP**

NEW BEDFORD, MASSACHUSETTS

WK REALTY, LLC

APPROX. SCALE: 1:1,300



cleengineering

15 Creek Road | Marlon, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738
January 2015

VVK Realty, LLC
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
1494 East Rodney French Blvd.
New Bedford, MA

Exhibit C
Resource Area Maps & FIRM

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

EXHIBIT C

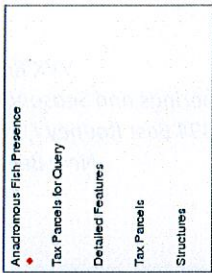


EXHIBIT C

- Tidelands Jurisdiction Chapter 91
- Historic High Water
- Tax Parcels for Quarry
- Detailed Features
- Tax Parcels
- Structures

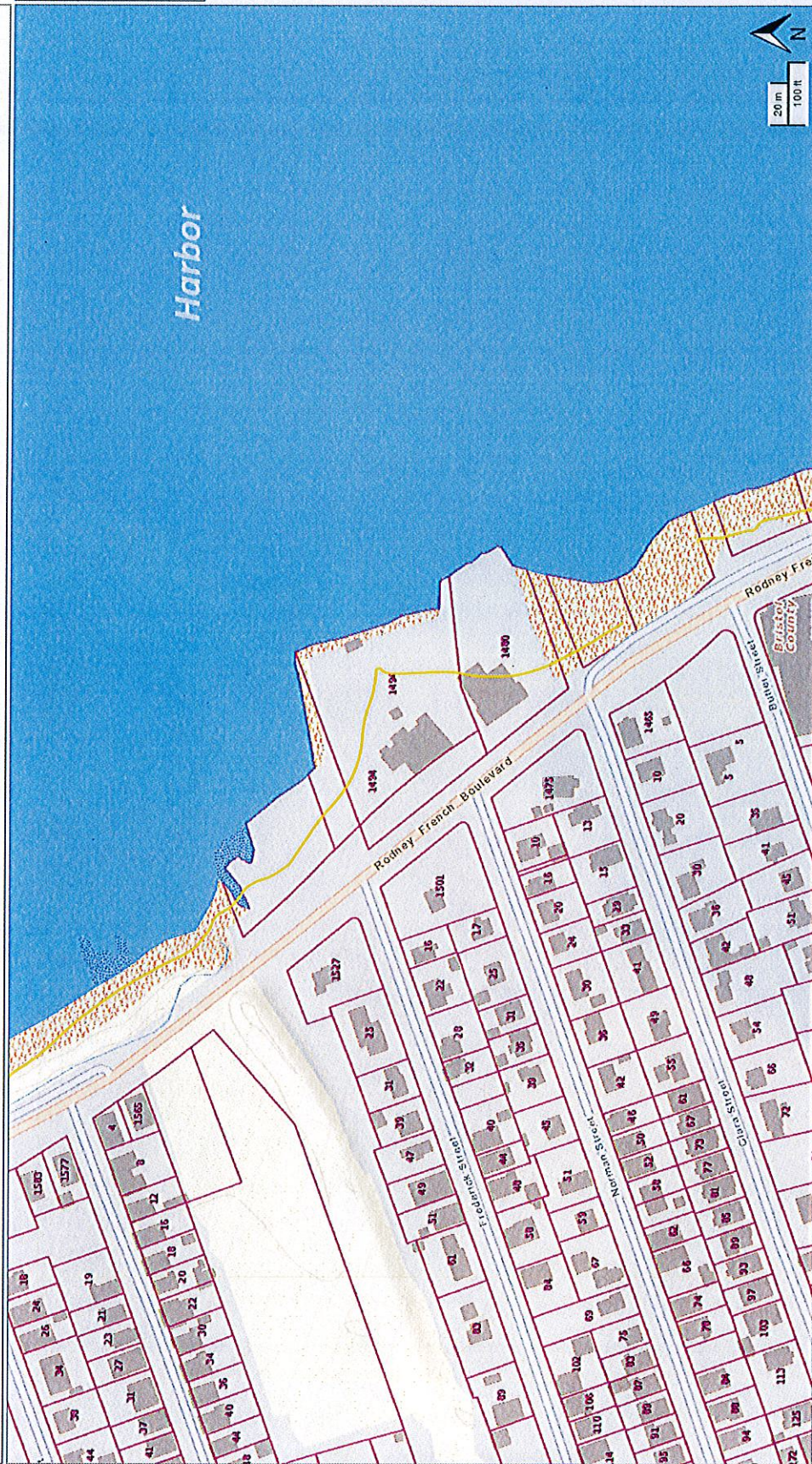


EXHIBIT C

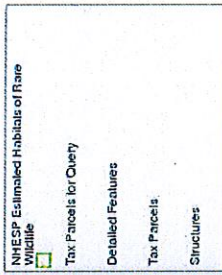


EXHIBIT C

- Shellfish Growing Areas
- APPROVED
- CONDITIONALLY APPROVED
- RESTRICTED
- CONDITIONALLY RESTRICTED
- PROHIBITED
- Tax Parcels for Query
- Detailed Features
- Tax Parcels
- Structures

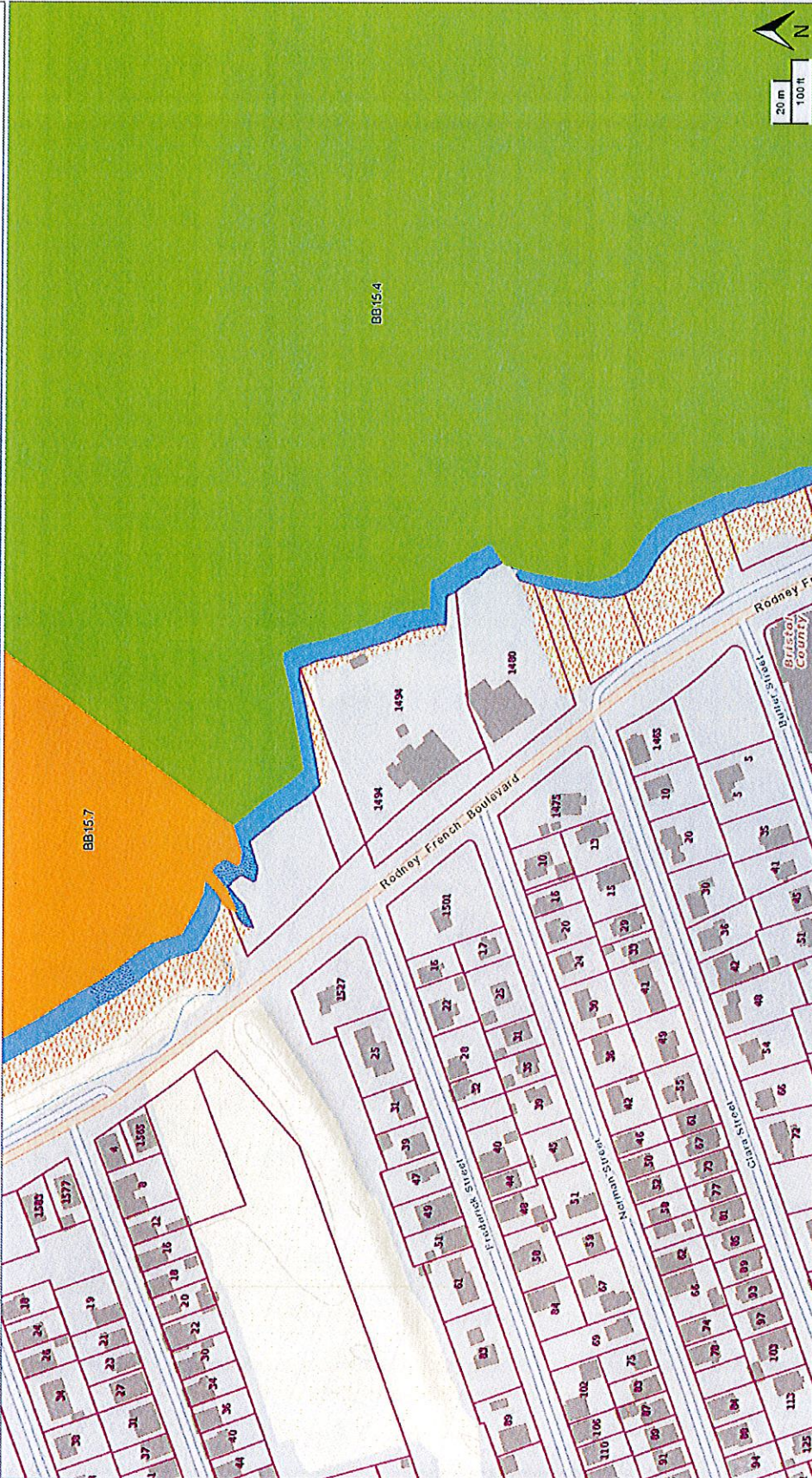
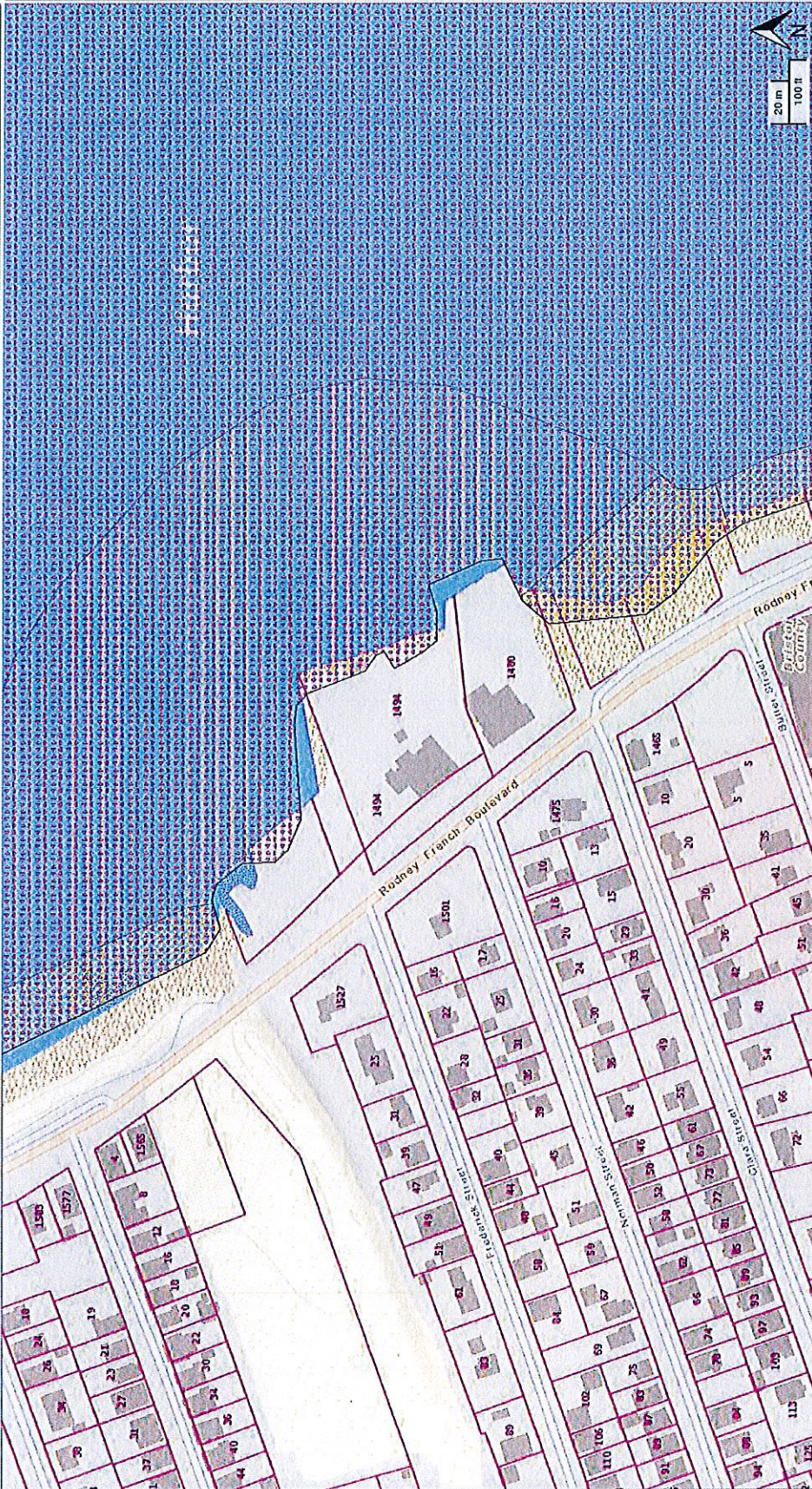


EXHIBIT C



- Shellfish Suitability Areas
 - ☒ AMERICAN OYSTER
 - ☒ BAY SCALLOP
 - ☒ BLUE MUSSEL
 - ☒ EUROPEAN OYSTER
 - ☒ OCEAN QUAHOG
 - ☒ QUAHOG
 - ☒ RAZOR CLAM
 - ☒ SEA SCALLOP
 - ☒ SOFT-SHELLED CLAM
 - ☒ SURE CLAM

Tax Parcels for Quarry

Detailed Features

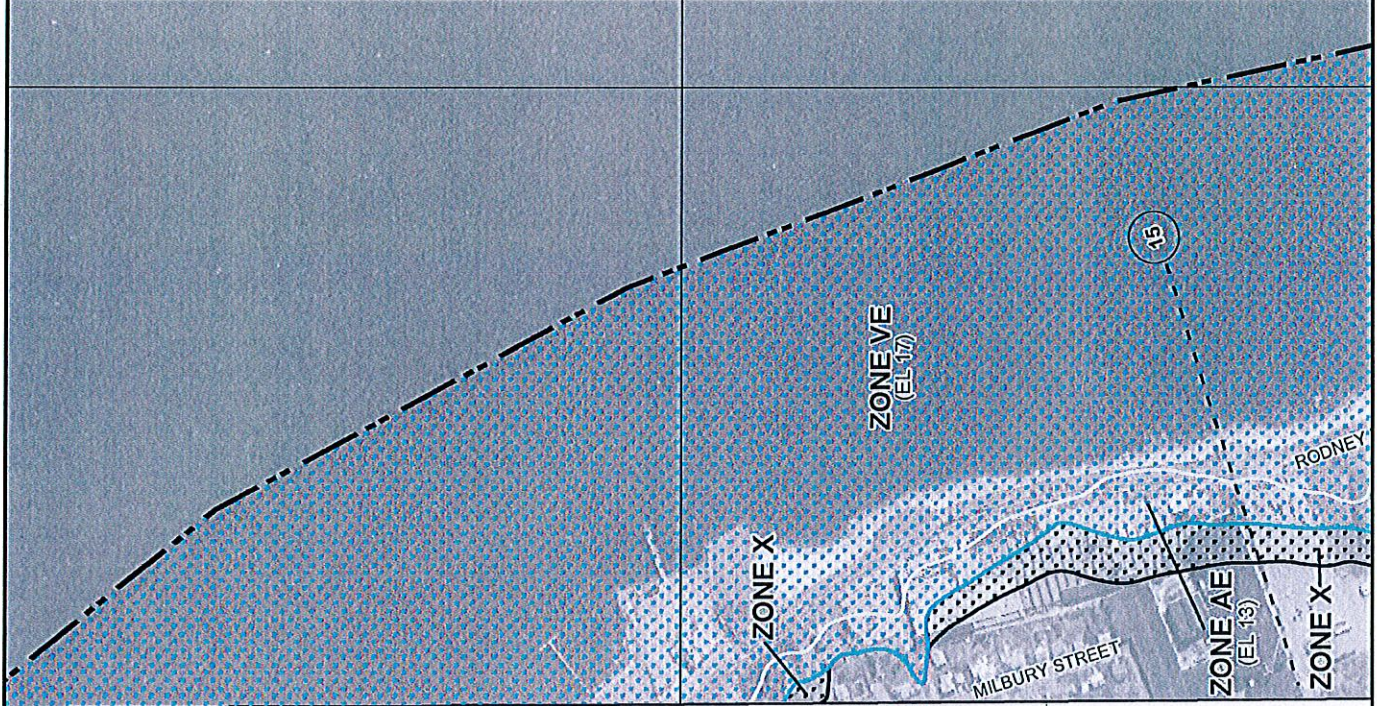
Tax Parcels

Structures





MAP SCALE 1" = 500'



NFIP

PANEL 0482G

FIRM

FLOOD INSURANCE RATE MAP
BRISTOL COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 482 OF 550
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRHAVEN, TOWN OF	250054	0482	G
NEW BEDFORD, CITY OF	255216	0482	G

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
25005C0482G
MAP REVISED
JULY 16, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738
January 2015

VVK Realty, LLC
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
1494 East Rodney French Blvd.
New Bedford, MA

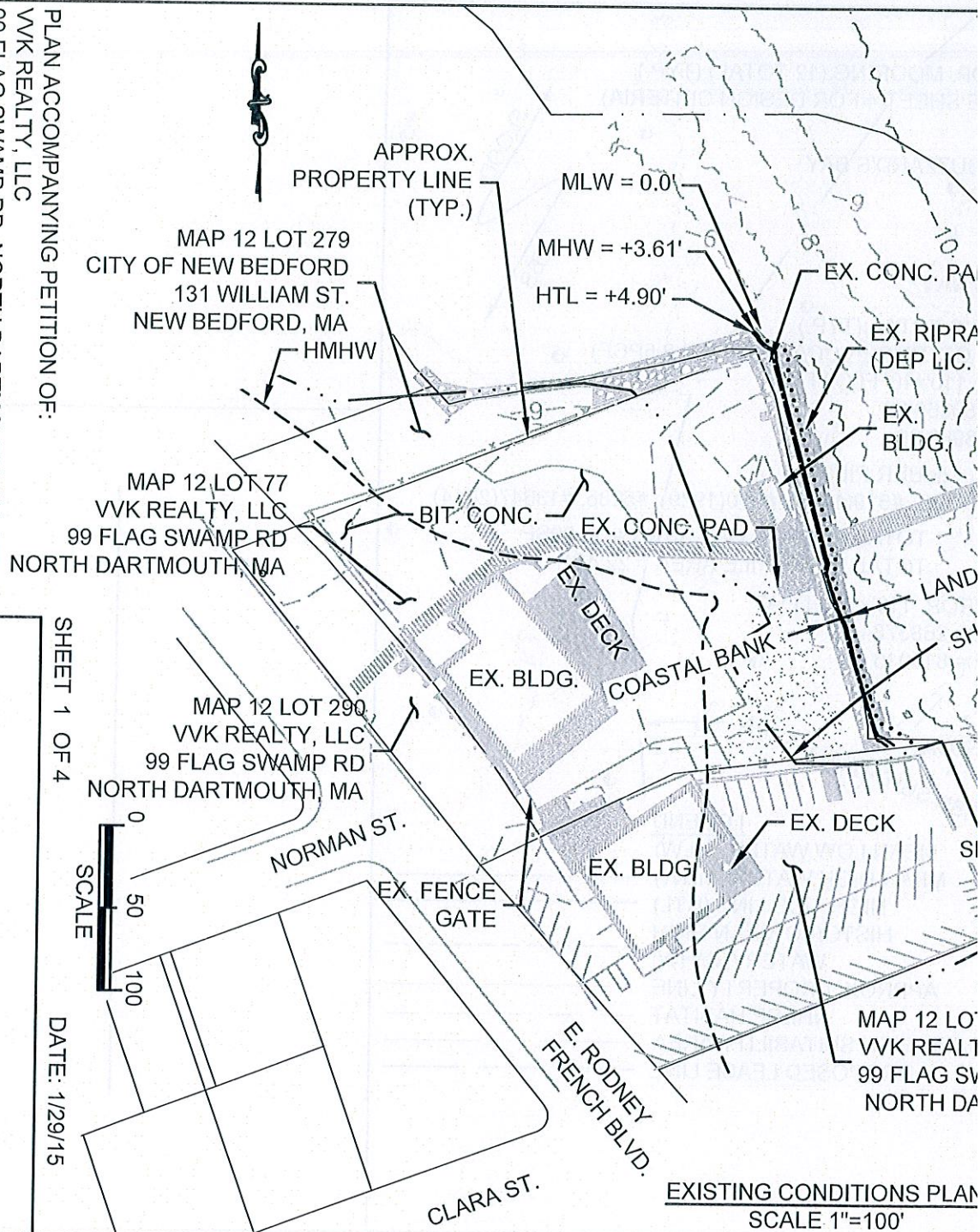
Exhibit D
Project Drawings

cleengineering

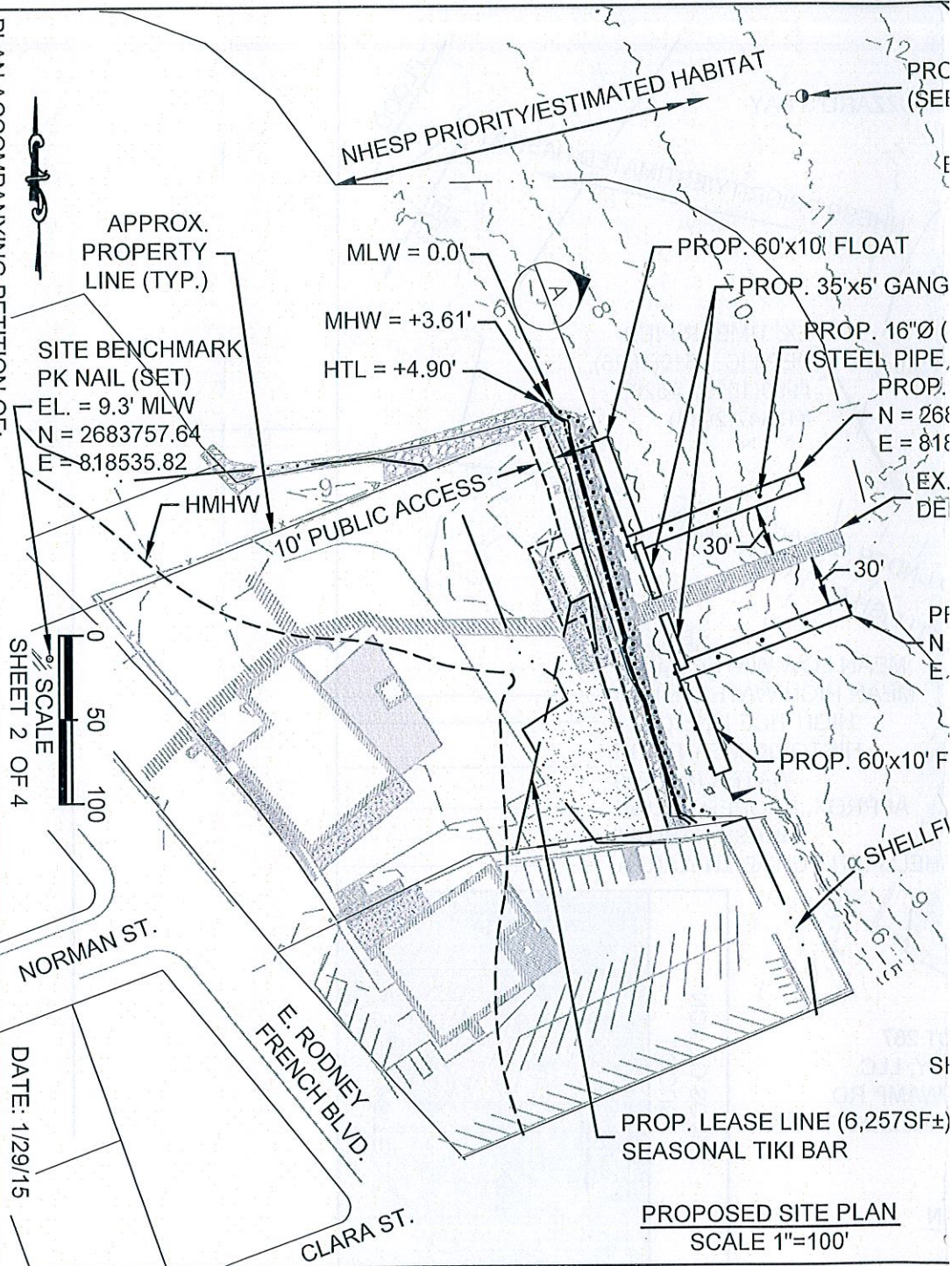
15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

PLAN ACCOMPANYING PETITION OF:
 VVK REALTY, LLC
 99 FLAG SWAMP RD, NORTH DARTMOUTH, MA 02747

TO AUTHORIZE AND MAINTAIN A PILE-ANCHORED
 FLOATING DOCK SYSTEM CONNECTED TO AN
 EXISTING TIMBER PIER VIA PROPOSED GANGWAYS,
 ALONG WITH THE INSTALLATION OF MOORINGS,
 BUZZARDS BAY
 BRISTOL COUNTY, MASSACHUSETTS



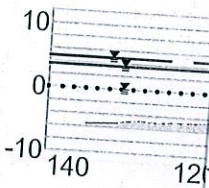
PLAN ACCOMPANYING PETITION OF:
 VVK REALTY, LLC
 99 FLAG SWAMP RD, NORTH DARTMOUTH, MA 02747
 TO LICENSE AND MAINTAIN A PILE-ANCHORED
 FLOATING DOCK SYSTEM CONNECTED TO AN
 EXISTING TIMBER PIER VIA PROPOSED GANGWAYS,
 ALONG WITH THE INSTALLATION OF MOORINGS.
 BUZZARD'S BAY
 BRISTOL COUNTY, MASSACHUSETTS



GENERAL LAW 36 SECTION 13-A
I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.

(STEEL PIPE
CUTO

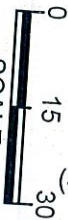
PROP. FL



HTL = +4.90'
MHW = +3.60'
MLW = 0.0

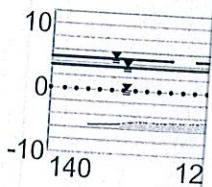
PROP. PI
EL. TBD

SCALE
SHEET 3 OF 4



(STEEL PIPE
CUTO

PROP.



HTL = +4.90'
MHW = +3.60'
MLW = 0.0

DATE: 1/29/15

PLAN ACCOMPANYING PETITION OF:
VVK REALTY, LLC
99 FLAG SWAMP RD, NORTH DARTMOUTH, MA 02747
TO LICENSE AND MAINTAIN A PILE-ANCHORED
FLOATING DOCK SYSTEM CONNECTED TO AN
EXISTING TIMBER PIER VIA PROPOSED GANGWAYS,
ALONG WITH THE INSTALLATION OF MOORINGS,
BUZZARD'S BAY
BRISTOL COUNTY, MASSACHUSETTS

GENERAL LAW 36 SECTION 13-A
I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.

GENERAL NOTES:

1. RESULTS OF TOPOGRAPHIC SURVEY DATED 04-02-14 AND HYDROGRAPHIC SURVEY BY CLE ENGINEERING, INC. (CLE) DATED 3/19/14 AND 11/3/14. ELEVATIONS ARE IN FEET AND TENTHS, AND REFER TO MEAN LOW WATER (MLW).
2. PROJECT BENCHMARK IS U.S. ARMY CORPS OF ENGINEERS BENCHMARK NAE32-BBCC73, ELEVATION 4.87 NAVD88 (6.71' MLW).
3. SITE BENCHMARK IS A PK NAIL (SET) IN SIDEWALK. EL. = 9.32' MLW. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
4. PROJECT SITE LOCATED WITHIN FEMA ZONE VE 17 NAVD 88.
5. FLOOD PLAIN INFORMATION FROM FEMA FIRM: CITY OF NEW BEDFORD, MA, PANEL 255216 0482 G AND EFFECTIVE DATE JULY 16, 2014.
6. APPROXIMATE PROPERTY LINE LOCATIONS AND HISTORIC HIGH WATER LINE ARE LOCATED FROM MOST CURRENT AVAILABLE MA GIS DATA.
- 7.
- 8.

CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738
January 2015

VVK Realty, LLC
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
1494 East Rodney French Blvd.
New Bedford, MA

Exhibit E
Project Photographs



Photo 1: View south from top of revetment.



Photo 2: View southeast from top of revetment.

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

WADLAND & ACKERMAN

Counselors At Law

2 Dundee Park, Suite 304, Andover, Massachusetts 01810-3726

978-474-8880 Fax 978-474-8881

Boston Office
617-557-6050

Lawrence J. Mullen
lmullen@wadacklaw.com

August 7, 2014

Pamela F. Lafreniere, Esq.
13R Hamilton Street
New Bedford, MA 02211

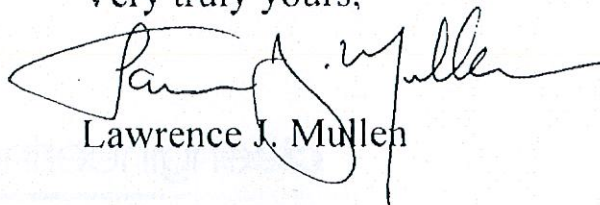
Re: Waterways Application No. W13-3917, License No. 13647
(Carl Pimentel and VVK Realty, Inc.)

Dear Ms. Lafreniere:

Please find enclosed a copy of the above referenced License which was issued by the Mass. DEP, the related Plan (3 pages), and proof of the recording of the same in the Bristol County (New Bedford) Registry of Deeds on July 3, 2014, in Book 11113, Page 25 and P.B. 172, Page 2. The recording fees were \$301.00. I also enclose a copy of the Mass. DEP's letter dated June 16, 2014, forwarding the approved license to Mr. Pimentel's engineer, Mayflower Engineering, Inc., Attn: John J. Hannon, P.E. (notwithstanding your request by your letter of June 4, 2014 forwarding the license fee of \$3,093.00 to the DEP that the license should be mailed to your client VVK Realty, Inc.). Mr. Hannon went ahead and arranged for the recording of the license and plan, which recording as you know is required by law and which your client otherwise would have had to do. I request that your client reimburse the recording fee of \$301.00. Please make the check for \$301.00 payable to "Carl Pimentel" and forward it to my attention.

The reimbursement of the license recording fees should entirely conclude this matter. Please give me a call with any further questions you may have. Thank you for your courtesy.

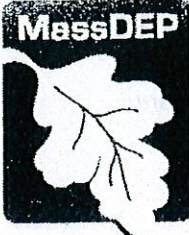
Very truly yours,



Lawrence J. Mullen

Encls.

cc: Mr. Pimentel



Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN, Jr.
Secretary

KENNETH L. KIMMEL
Commissioner

Carl Pimental
C/o Mayflower Engineering, Inc.
64 Joan Drive
Quincy, MA 02169
Attn: John J. Hannon, P.E.

RE: ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE JUN 10 1999
Waterways Application No. W13-3917, License No. 13647, Carl Pimental
Filled and Flowed Tidelands of Buzzards Bay (Acushnet River), New Bedford, Bristol County

Dear Sir or Madam,

The Department of Environmental Protection hereby issues the above-referenced Waterways License, enclosed, authorizing you to perform certain activities pursuant to M.G.L. c. 91, the Public Waterfront Act and its regulations 310 CMR 9.00. Any change in use or alteration of any structure or fill not authorized by this license may render this license void.

This License is not final until all administrative appeal periods from this License have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed. The appeal period is for twenty-one (21) days. No work shall be undertaken until the License has become final and has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property

RECORDING OF THE LICENSE

This License must be recorded at the Registry of Deeds or, if registered land, with the Land Registration Office within sixty (60) days from the date of license issuance. In the case of recorded land, the License shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the project is located. In the case of the registered land, the License shall be noted on the Land Court Certificate of Title of the owner of the land upon which the project is located. Failure to record this license within sixty (60) days of the date of issuance will render this license void pursuant to 310 CMR 9.18.

A Waterways License Recordation Notice Form has been enclosed for your use in notifying the Department of the recording information for this License. Failure to notify the Department of the recording of this license is a violation of 310 CMR 9.00 and is subject to enforcement action by the Department.

REQUEST CERTIFICATE OF COMPLIANCE

Pursuant to 310 CMR 9.19, once the proposed project is completed you must file a Request for a Certificate of Compliance form, BRP WW05, within sixty (60) days of completion but in no event later than five (5) years from the License's issuance date. The license for any project for which such a request is not filed and certificate issued may be revoked pursuant to 310 CMR 9.26.

Waterways License Application No. W13-3917, License No. 13647, Carl Pimental

Filled and Flowed Tidelands of Buzzards Bay (Acushnet River), New Bedford, Bristol County

NOTICE OF APPEAL RIGHTS**Who has the right to appeal?**

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit, in accordance with 310 CMR 9.17(1): (a) an applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth who, pursuant to M.G.L. c. 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located. The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; and (e) CZM, for any project identified in 310 CMR 9.13(2) (a) for CZM participation or, in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period.

How can I request an adjudicatory hearing?

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Transmittal Form and including the detail specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Fee Transmittal Form is available at the following website: <http://www.mass.gov/eea/docs/dep/service/adr/adjherfm.doc>. The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

Case Administrator
MassDEP
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

The MassDEP Fee Transmittal Form and a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Mass. Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

What information must be included in the hearing request?

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following information:

- (a) the MassDEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the applicant;

- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

cc: w/enc. Ben Lynch, Waterways Section Chief, DEP Boston
Office of Coastal Zone Management

Department of Environmental Management
Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

RE: Waterways Application No. W13-3917, License No.13647, Transmittal #X256259
Buzzards Bay (Acushnet River), New Bedford, Bristol County

Dear Ms. Ramos:

This is to notify you that the above referenced Waterways license was recorded with the appropriate Registry of Deeds/ Land Court for this project location and to provide your office with the following recordation information.

Date of Recordation: _____

County Registry of Deeds: _____

Book number _____ and page number(s) _____

Land Court: _____

Land Court Lot # _____ Plan # _____

Certificate Document Number _____

We will notify your office in writing of the date the authorized work or change in use is completed.

Sincerely,

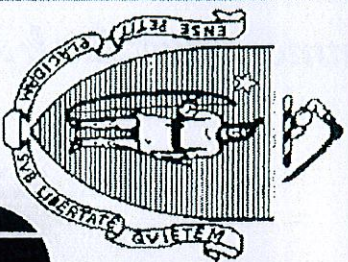
_____, Chapter 91 Waterways Licensee

**LICENSE VOID
IF NOT RECORDED
WITHIN 60 DAYS
OF ISSUANCE**

SIGNAGE SPECIFICATIONS - MassDEP Waterways Regulation Program (Updated September 20, 2012)

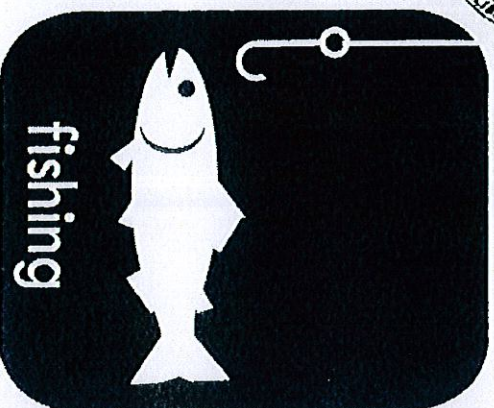
- Signs shall utilize durable materials and methods of construction and maintained in good condition.
- Signs shall be a minimum of 5" x 10" (or 50 square inches) in size. Letter height shall be a minimum of ½".
- The MassDEP Chapter 91 License number shall be displayed on all signs (as applicable).
- Each sign shall indicate that public passage is allowed for on-foot lateral access along the shoreline for the purpose of fishing, fowling, navigation and strolling.
- Signs shall be posted on both sides of the pier or structure, at the mean high water shoreline, or as directed by the Chapter 91 License (see Special Waterways Conditions, Page #2, or Page #3 for Simplified Licenses).

An example of an acceptable sign is provided below.

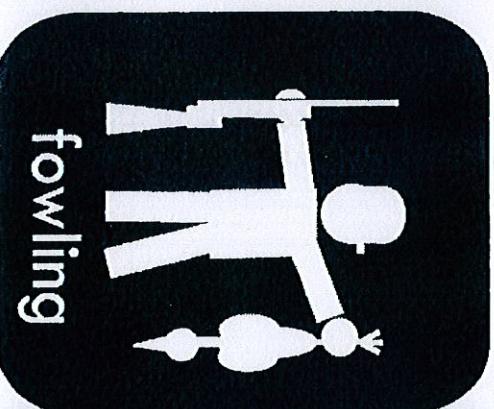


PUBLIC PASSAGE

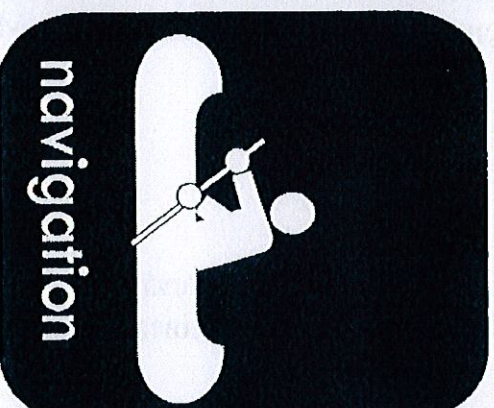
FOR



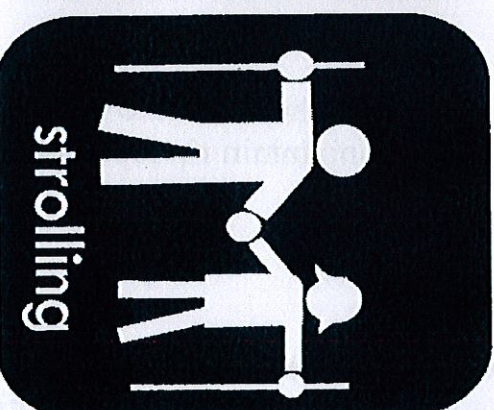
fishing



fowling



navigation



strolling

Mass DEP M.G.L. Ch.91 LICENSE #13647

The Commonwealth of Massachusetts



No. 13647

Whereas, Carl Pimental

of -- New Bedford --, in the County of -- Bristol -- and Commonwealth aforesaid,-- has applied to the Department of Environmental Protection for a license to -- maintain rip rap, an office building, and an expanded pier -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~ has been given, as required by law, to the -- Mayor and City Council -- of the City of -- New Bedford. ----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said ---

Carl Pimental --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- maintain rip rap, an office building, and an expanded pier -----

in and over the waters of -- Buzzards Bay (Acushnet River) -- at 1494 East Rodney French Boulevard --, in the -- City -- of -- New Bedford -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13647 (3 sheets).

The structures hereby authorized shall be limited to the following uses: to provide a waterborne passenger transportation facility and shoreline stabilization for the protection of existing structures.

Existing structures previously authorized under DPW License No. 519 (1925), 990 (1929), 5285(1967), and DEQE License No. 196 (1976) shall be maintained in accordance with the terms and conditions of said license and plans.

This license will expire thirty (30) years from the date of License issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

SPECIAL WATERWAYS CONDITIONS:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists on the subject property lying between the high and low watermarks, the Licensee shall allow the public in the exercise of such rights to pass freely around all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign at each property line, adjacent to the mean high water shoreline. Said signs shall be designed in accordance with the signage specifications provided by the Department, attached hereto, and be posted **within sixty (60) days of License issuance**. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

2. In partial compensation for private use of structures on tidelands of the Commonwealth, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.

3. All exterior pedestrian facilities on the project site shall be open to the general public, except where access restrictions are necessary in order to avoid significant interference with the operation of the facility or to maintain security at the pier.

4. The Licensee may adopt reasonable rules governing the publicly accessible areas of the site, subject to review and written approval by the Department, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment.

5. No activity or construction may take place on the area of fill authorized herein without the prior written approval of the Department.

6. No dredging (including, but not limited to effects of prop wash) is permitted herein.

7. The project authorized herein has been completed in conformance with the accompanying plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

Please see page 3 for additional conditions to this license.

Duplicate of said plan, number 13647 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
 2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
 3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
 4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
 5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
 6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
 7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
 8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
 9. This License authorizes structure(s) and/or fill on:
 - ☒ X Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
 - ☒ X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
 - ☐ Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
 - ☐ Navigable River and Streams. The Licensee shall not restrict the public's right to use and pass freely, for any lawful purpose, in the Waterways.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

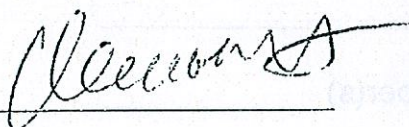
The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Carl Pimental -- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (3.0 cubic yard(s) = \$ 6.00).

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Bristol.

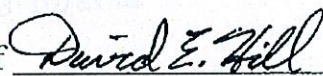
IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this June day of 16th in the year two thousand fourteen.

Commissioner



Department
of Environmental
Protection

for Program Chief



THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Carl Pimental --

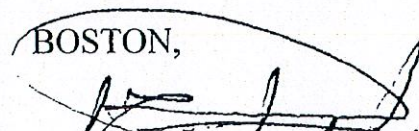
of the further sum of -- three thousand eighty-seven dollars and zero cents (\$ 3,087.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.



BOSTON,



Lisa Ramos
Department of Environmental Protection
Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

RE: Waterways Application No. W13-3917, License No.13647, Transmittal #X256259
Buzzards Bay (Acushnet River), New Bedford, Bristol County

Dear Ms. Ramos:

This is to notify you that the above referenced Waterways license was recorded with the appropriate Registry of Deeds/ Land Court for this project location and to provide your office with the following recordation information.

Date of Recordation: _____

County Registry of Deeds: _____

Book number _____ and page number(s) _____

Land Court: _____

Land Court Lot # _____ Plan # _____

Certificate Document Number _____

BK 11113 PG 25
07/03/14 10:45 DOC. 12481
Bristol Co. S.D.

We will notify your office in writing of the date the authorized work or change in use is completed.

Sincerely,

# 35	Plan #172-2	Fee	150.00
		C. P.	60.00
		R. D.	15.00

# 36	Rec:time 1045 Type LICN	50.00
DOC. 12481	BK 11113-0025 C. P.	20.00
	R. D.	5.00
	Postage	1.00

Total	301.00
-------	--------

# 37	Payment Check	301.00
------	---------------	--------

THANK YOU! J. Mark Treadup
Register of Deeds

The Commonwealth of Massachusetts



P.B. 172
p. 2
No. 13647

Whereas, Carl Pimental

of -- New Bedford --, in the County of -- Bristol -- and Commonwealth aforesaid,-- has applied to the Department of Environmental Protection for a license to -- maintain rip rap, an office building, and an expanded pier -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~) has been given, as required by law, to the -- Mayor and City Council -- of the City of -- New Bedford. ----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said ---

Carl Pimental --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- maintain rip rap, an office building, and an expanded pier -----

in and over the waters of -- Buzzards Bay (Acushnet River) -- at 1494 East Rodney French Boulevard --, in the -- City -- of -- New Bedford -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13647 (3 sheets).

License No. 13647

The structures hereby authorized shall be limited to the following uses: to provide a waterborne passenger transportation facility and shoreline stabilization for the protection of existing structures.

Existing structures previously authorized under DPW License No. 519 (1925), 990 (1929), 5285(1967), and DEQE License No. 196 (1976) shall be maintained in accordance with the terms and conditions of said license and plans.

This license will expire thirty (30) years from the date of License issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

SPECIAL WATERWAYS CONDITIONS:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists on the subject property lying between the high and low watermarks, the Licensee shall allow the public in the exercise of such rights to pass freely around all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign at each property line, adjacent to the mean high water shoreline. Said signs shall be designed in accordance with the signage specifications provided by the Department, attached hereto, and be posted **within sixty (60) days of License issuance**. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

2. In partial compensation for private use of structures on tidelands of the Commonwealth, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.

3. All exterior pedestrian facilities on the project site shall be open to the general public, except where access restrictions are necessary in order to avoid significant interference with the operation of the facility or to maintain security at the pier.

4. The Licensee may adopt reasonable rules governing the publicly accessible areas of the site, subject to review and written approval by the Department, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment.

5. No activity or construction may take place on the area of fill authorized herein without the prior written approval of the Department.

6. No dredging (including, but not limited to effects of prop wash) is permitted herein.

7. The project authorized herein has been completed in conformance with the accompanying plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

Please see page 3 for additional conditions to this license.-----

Duplicate of said plan, number 13647 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.

2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.

3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.

6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.

8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.

9. This License authorizes structure(s) and/or fill on:

X Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

 Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

 Navigable River and Streams. The Licensee shall not restrict the public's right to use and pass freely, for any lawful purpose, in the Waterways.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

License No. 13647

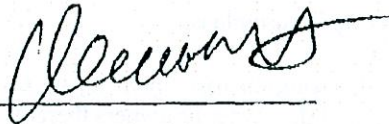
The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Carl Pimental -- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (3.0 cubic yard(s) = \$ 6.00).

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Bristol.

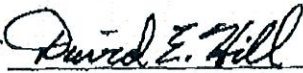
IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this June day of 16th in the year two thousand fourteen.

Commissioner



Department
of Environmental
Protection

for Program Chief




THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Carl Pimental --

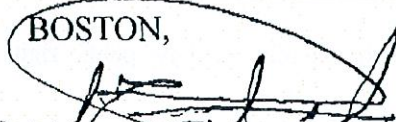
of the further sum of -- three thousand eighty-seven dollars and zero cents (\$ 3,087.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

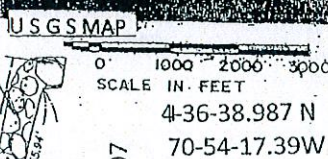


BOSTON,



John Harney

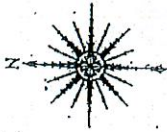
MERIDIAN OF AUG. 22, 1975
 -RODNEY FRANCH BLVD.
 -ALPACON



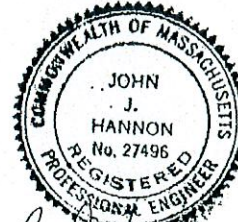
AS-BUILT PLAN
1494 E. RODNEY FRENCH BLVD
NEW BEDFORD, MA
JUNE 12, 2013
SCALE 1" = 60 FEET

LICENSE PLAN NO. 13647
Approved by Department of Environmental Protection
of Massachusetts
David E. Hill
Hearts

W-3917



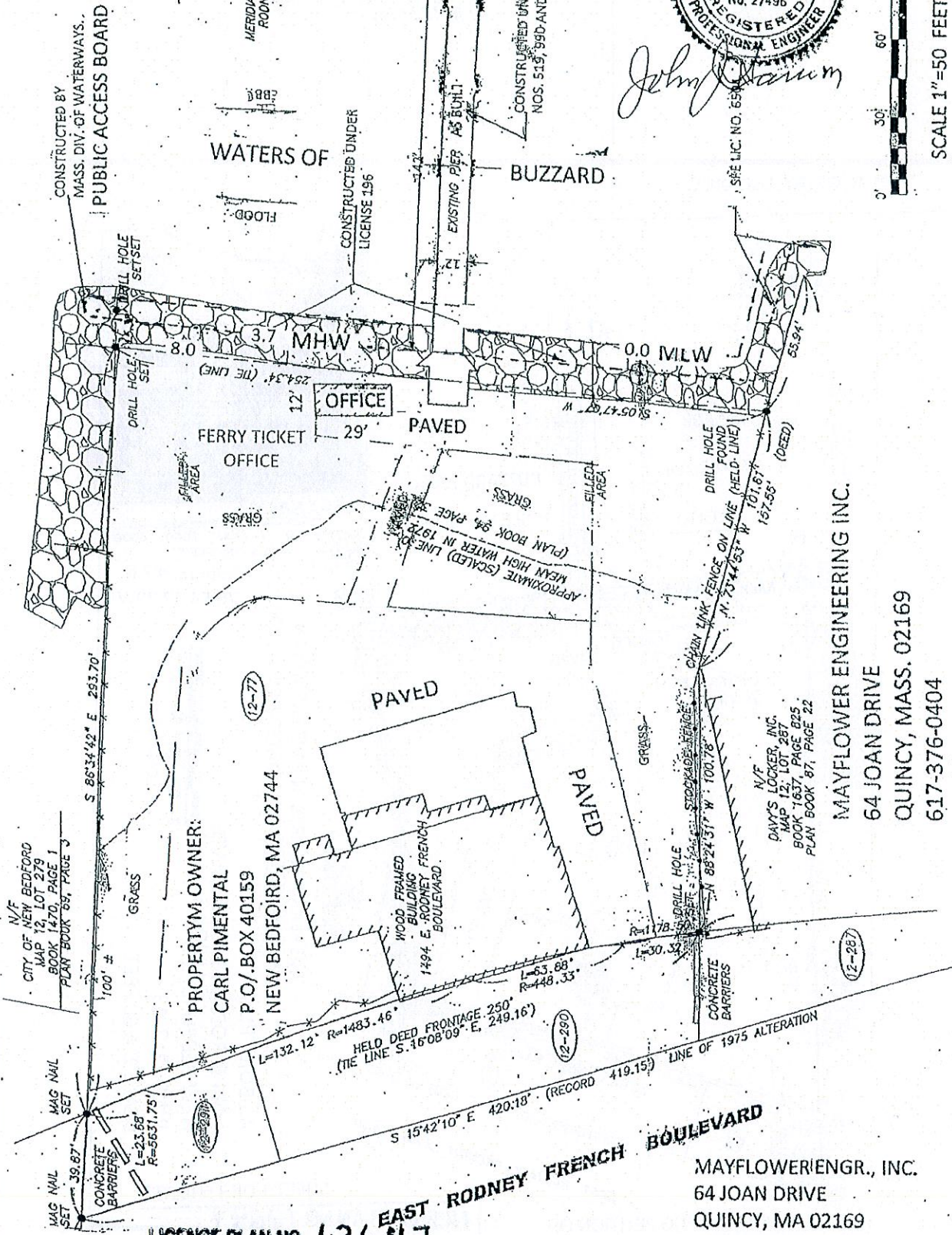
MERIDIAN OF AUG. 22, 1975
ROONEY FRENCH BLVD.
ALTERATION



John J. Hannon
SEE LIC. NO. 6590



SCALE 1"=50 FEET

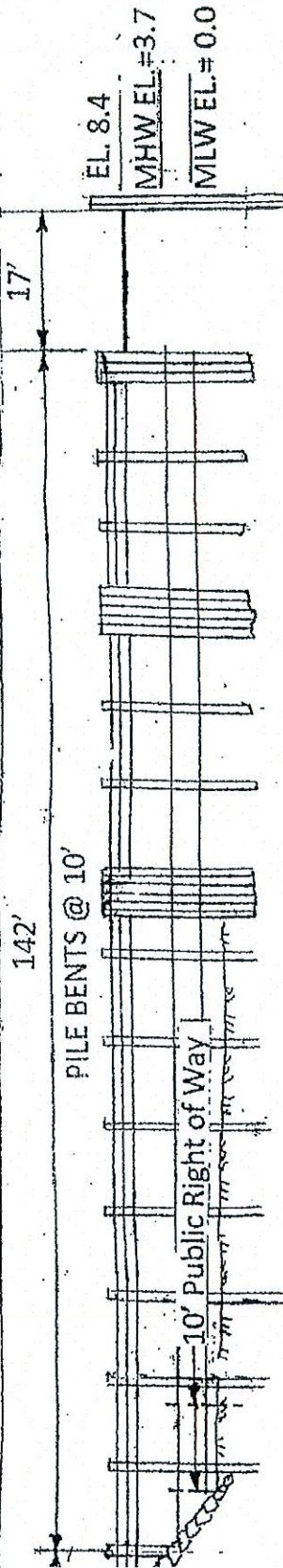


PROPERTY OWNER:
CARL PIMENTAL
P.O. BOX 40159
NEW BEDFORD, MA 02744

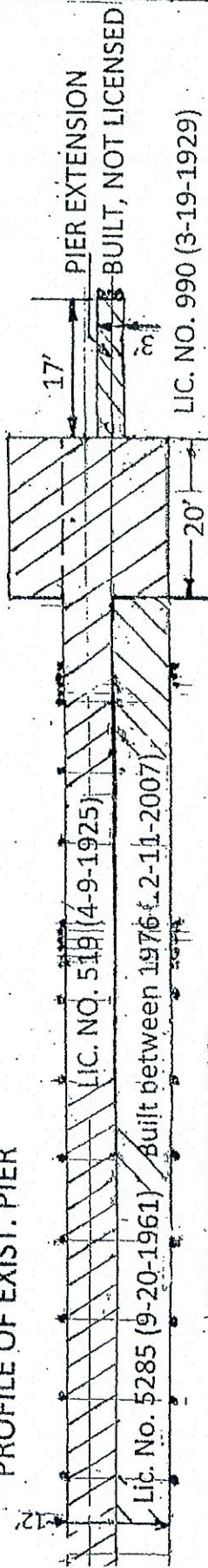
MAYFLOWER ENGINEERING INC.
64 JOAN DRIVE
QUINCY, MASS. 02169
617-376-0404

MAYFLOWER ENGR., INC.
64 JOAN DRIVE
QUINCY, MA 02169
617-376-0404

LICENSE PLAN NO. 13647
Approved by Department of Environmental Protection
Date: JUN 16

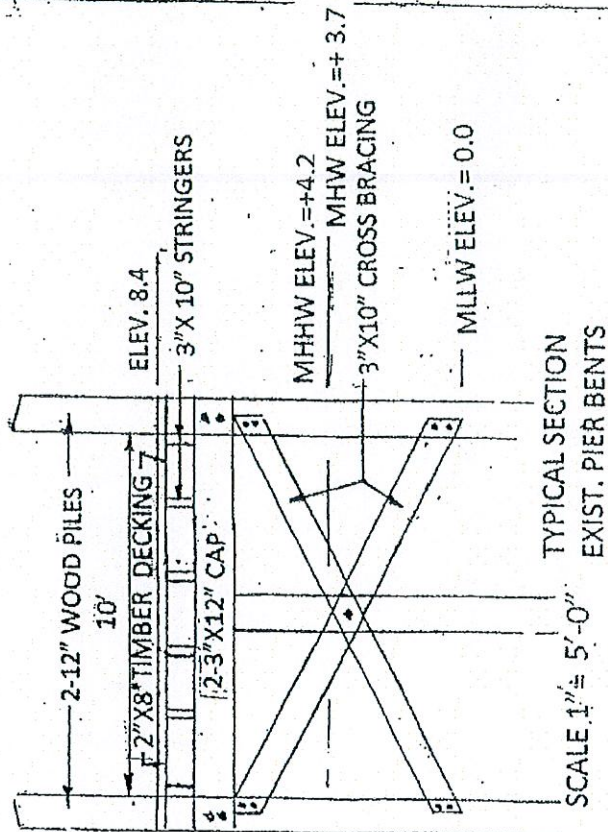
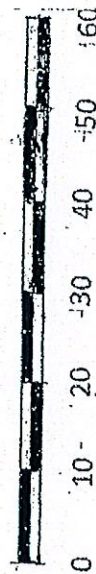


PROFILE OF EXIST. PIER



PLAN OF EXIST. PIER

SCALE 1"=20 FEET



EL. = 8.0

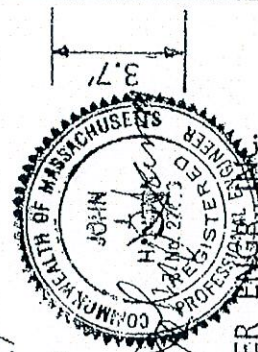
LIC. NO. 196
(9-8-1976)

MHHW ELEV. = +4.2
MHW ELEV. = +3.7
MLW ELEV. = 0.0

AL CROSS SECTION
ING RIPRAP MOUND



SCALE 1"=10 FEET



MAYFLOWER ENGINEERING
64 JOAN DRIVE
QUINCY, MASS. 02169
617-376-0404

CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738
January 2015

VVK Realty, LLC
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
1494 East Rodney French Blvd.
New Bedford, MA

Exhibit G: CIRCULATION LIST
PROPOSED FLOAT SYSTEM, MOORINGS PIER REHABILITATION & SEASONAL TIKI BAR
NEW BEDFORD OUTER HARBOR / BUZZARDS BAY
NEW BEDFORD, MASSACHUSETTS

Executive Office of Energy and
Environmental Affairs
Secretary Matthew Beaton
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Department of Environmental Protection
Commissioner's Office
One Winter Street
Boston, MA 02108

DEP/Southeast Regional Office
Attn: MEPA Coordinator
20 Riverside Drive
Lakeville, Massachusetts 02347

Massachusetts Department of
Transportation
Public/Private Development Unit
10 Park Plaza
Boston, MA 02116

MHD District #5
Attn: MEPA Coordinator
Box 111
1000 County Street
Taunton, MA 02780

Massachusetts Historical Commission
The MA Archives Building
220 Morrissey Boulevard
Boston, MA 02125

Southeastern Regional Planning & Economic
Development District
88 Broadway
Taunton, MA 02780

New Bedford City Council
City Hall Room 215
133 William Street
New Bedford, MA 02740

City of New Bedford
Office of Planning
City Hall Room 303
133 William Street
New Bedford, MA 02740

City of New Bedford
Environmental Stewardship
Conservation Commission
City Hall Room 304
New Bedford, MA 02740

City of New Bedford
Health Department
1213 Purchase Street
New Bedford, MA 02740

MA Office of Coastal Zone Management
Attn: Project Review Coordinator,
251 Causeway Street, Suite 800
Boston, MA 02114

MA Division of Marine Fisheries
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
MA Natural Heritage Endangered Species
Program
MA Division of Fisheries & Wildlife
100 Hartwell St, Suite 230
West Boylston, MA 01583

Massachusetts Board of Underwater
Archaeological Resources

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738
January 2015

VVK Realty, LLC
Proposed Float Systems, Pier Rehabilitation, Moorings and Seasonal Tiki Bar
1494 East Rodney French Blvd.
New Bedford, MA

Executive Office of Energy and
Environmental Affairs
251 Causeway Street, Suite 800
Boston, MA 02114-2199

Mr. Jeffrey Stieb, Port Director
Harbor Development Commission
52 Fisherman's Wharf
New Bedford, MA 02740

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com